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Al Gore still has a long way to go

by Robert Worth

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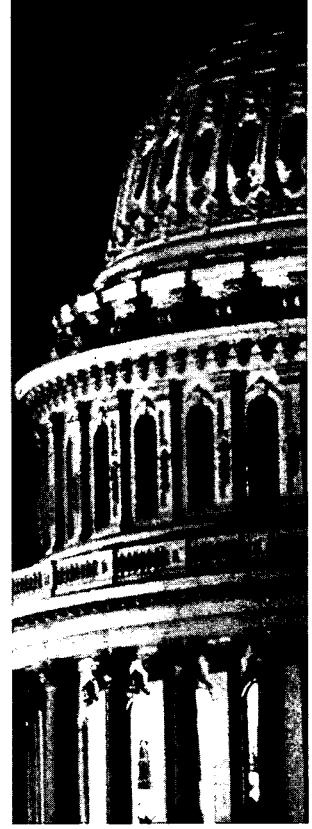

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Letters

Local Heroes

To your comment on the cost of charity ("Tilting," June 1998): You should be aware that many local charities are well managed by professional staff, well directed by volunteers who put great effort and expertise into the work, well integrated with community needs in their services—and very, very efficient. For example, our local Brevard United Way has been running between 9 percent and 11 percent of receipts for total self-support costs for the eight years I have been involved. That is, between 89 and 91 cents of every dollar contributed return to the community in the form of support and service. We watch the internal-to-external ratio very closely. And we do better than Salvation Army. I'll bet many local charities do. They're the ones you don't read about.

JOHN L. BYRON
Cocoa Beach, FL

Misplaced Reverence

Although I usually admire your pragmatic liberalism, your lionization of Bobby Kennedy irritated me ("Tilting," July/Aug. 1998).

Since you are about the same vintage as I am, you must remember in early 1968 when Gene McCarthy had the audacity to challenge Lyndon Johnson's conduct of the Vietnam war and declared himself a candidate. Although he did not win the New Hampshire primary, he made a significant enough showing to give credence to the growing antiwar sentiment in this country. When Bobby saw this, instead of supporting McCarthy, he decided to satisfy his ego and run against him, thus splitting the antiwar vote and giving Hubert Humphrey, a liberal by anyone's standards but a man forced to apologize for Johnson's misconduct of the conflict, the best shot at the Democratic nomination after Johnson dropped out. In all probability, he'd have won the nomination even had Bobby not been assassinated.

Had Bobby not performed this act of egomania, McCarthy could well have been the Democratic nominee. There would have been no shenanigans outside the convention in Chicago to cause a reaction among voters, so he easily could have won the general election and spared us Spiro Agnew, Watergate, and a host of other misadventures, besides preventing who knows how many American GIs from dying in vain.

We are fortunate to live in a free society where we can all express our opinions, but why not lavish praise on someone a little more worthy?

ROBERT J. LOWEY
via e-mail

Have a bone to pick with one of our writers? Send letters to: Editors, 1611 Connecticut Ave., NW, Washington, DC 20009. Or e-mail us at washmonth@aol.com

Under-Coverage

Your blurb in "Tilting at Windmills" about the press not covering the workings of government is not surprising (June 1998). If the press did its job and covered the operations of the lower levels of government, perhaps the managers and others concerned would work to improve the methods and procedures that the working level in the government must deal with. Press coverage would also show what a farce Vice President Gore's Reinventing Government is because it has had zero effect at the real level of government.

JACK HALEY
via e-mail

Wake-Up Call

Regarding Charles Peters' question, "Have you ever wondered what happened to the competition that deregulation was supposed to bring to local telephone service?" ("Tilting," June 1998): The average consumer has known for some years what happened; it's the newspeople who still seem to be "wondering." Consumers had serious doubts before the fact of deregulation/competition—soon borne out by increasing costs for local service. Within months "extra charges" appeared on our bills. The mergers following the break-up of the Bell telephone monopoly make competition a laugh! But the media crowd had only high praise for all the benefits to follow. The "benefits" have been increased profits for the phone companies, CEOs, businesses, and upper-income users who make frequent long-distance and overseas calls. Newspeople analyze, speculate, tell us what to think; we deal with the realities.

The same media are now informing us about the benefits to follow from deregulation of utility companies. How dense do they think we are? Readers/viewers know very well what deregulation and competition mean. We are "wondering" how long it will take the "information experts" to catch up with us.

BLANCHE JANTZEN
Bartelso, IL

Breathe Free

Rife with inaccuracies, Robert Worth's June article entitled "Bad Air" should be renamed "Bad Errors."

Worth blames personal vehicles for a "worsening pollution problem" that caused a 75 percent jump in asthma rates between 1980 and 1994. But over the past 15 years, vehicle emissions have declined dramatically, more than any other major source of air pollution. In major urban areas, where asthma increases have occurred, personal vehicles now produce only about one-fifth of the two kinds of emissions that form ground-level ozone, according to a recent AAA study.

In fact, the data show—and our lungs know—we're now breathing cleaner air than 15 years ago. The EPA reports that between 1987 and 1996, the ambient ozone concentrations from all sources decreased 15 percent, and excesses of the ozone standard dropped 73 percent. And air quality will continue to improve.

On the subject of global climate, government estimates show that if

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every U.S. car and light truck stopped running tomorrow, worldwide carbon dioxide emissions would be reduced by just .18 percent. That's less than one cup of beer out of six kegs! Worth's assertions notwithstanding, mandating higher fuel economy would hardly "put a big dent in our greenhouse gas emissions."

DIANE STEED, PRESIDENT
COALITION FOR VEHICLE CHOICE
Washington, DC

Senior Service

I was disturbed to read Phillip J. Longman's review of Dale Van Atta's recent book ("An 800-Pound Gorilla on the Ropes," May 1998). The Van Atta book is riddled with errors, which Longman repeats. AARP's annual revenues of $474 million are nowhere near the 500th company on the Fortune 500 list with revenues in excess of $2 billion. AARP did not support the "Clinton health care plan." Instead its board recommended that the membership support reform measures proposed by Sen. George Mitchell and Rep. Richard Gephardt. In keeping with its longstanding policy regarding any nominee, AARP took no position on the nomination of Clarence Thomas.

AARP research has always shown that members join for a variety of reasons: access to information and education, opportunities to volunteer, advocacy and representation, services and products, discounts. AARP is continually looking at ways to meet the needs and interests of its current and future members, including baby boomers. Last December, it was rated by *Fortune* magazine as the most effective advocacy organization in the country.

HORACE B. DEETS
EXECUTIVE DIRECTOR, AARP
Washington, DC

Gun Nuts

In his review of John R. Lott Jr.'s *More Guns, Less Crime*, ("Guns and Numbers," June 1998), Jens Ludwig suggests that, despite the certainties trumpeted by the cinematic bearer of the Ten Commandments, the laws of statistics provide inadequate support for the Lott thesis. In this vein, whenever I write a letter to the editor questioning some NRA study, I receive a response from someone who provides "irrefutable" proof of the *More Guns, Less Crime* thesis by citing reams of statistics. I always congratulate the caller on his statistical expertise, but then suggest that he participate in the type of field experiment with which I am familiar: Get yourself mugged.

According to the experience of other victims as well as myself, stealth is the essential element of such encounters. On one occasion, when several teenagers jumped me from behind, they became quite annoyed and worked me over when they found I wasn't carrying any money. They also made it quite clear that, had I been carrying a gun, they would have used it on me — thus ending permanently my ability to write letters to the editor questioning NRA statistics.

WILLIAM M. BURKE
San Francisco, CA

Group Rewards

The July/August issue juxtaposed two letters in a very enlightening way. One, "Setting the Record Straight," explained how the Saturn/GM "Risk and Reward" program works for labor and management by rewarding collective results for all based on the success of the enterprise. The other, "Some Merit," talked about merit-pay plans for teachers that reward whole schools for collective results measured against predefined outcomes.

Anyone who has ever run a business knows that individual results (except in simple, repetitive functions) will tend to be measured best by peers if the peers are all measured and rewarded on collective results. We could fairly easily set collective standards for improvement in education school by school that, if met, brought bonuses like the kind enjoyed on Wall Street—say, two or three times one year's salary. If we believe in money as a motivator, this should get the attention of generally underpaid teachers. Merit pay for educational results is no more difficult than merit pay for investment bankers or Saturn workers.

SAM TAYLOR
via e-mail

The Washington Monthly

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Tilting at Windmills

BY CHARLES PETERS

Clever Polluters • Forgotten Films • Stone Wall Fever • Movers and Shakedowners • Unmedicated Murderers

THE PSYCHIATRIST E. FULLER Torrey, who often writes for this magazine, has a solution to the danger to society and themselves presented by schizophrenics like the U.S. Capitol murderer who stop taking their medication. It is that, when they have been arrested for some violation of the law or committed to a mental institution, their release be conditioned upon their agreement to report regularly to a mental health facility to make sure they are being medicated. When they violate this conditional probation, they could be picked up by the authorities and required to take medication. Torrey says 40 percent of the schizophrenics who should receive treatment are not receiving it regularly. They make up a substantial percentage of the homeless drifters we see in our streets and in our parks. If medicated, many could lead effective lives and innocent people wouldn't get shot just because someone hadn't taken his pill.

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THE POLLUTERS ARE GETTING pretty clever. Recently the *Roanoke Times* got hold of an e-mail purporting to state the views of an official in the office of Cecil Underwood, the governor of West Virginia and a long-time lackey of the coal companies and the utilities. The message urged these corporations to give the impression that they opposed a plan Underwood and nine other governors were going to present on emission control, even though the governors' plan was considerably more lenient to the utilities than the EPA proposal it was designed to supplant. Environmentalists suspect that the purpose of the e-mail was to create the appearance that the governors were cracking down on pollution even though they're actually doing what industry wants them to do.

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IF YOU ARE CONTEMPLATING face-lift surgery, would you agree to have the two sides of your face operated on differently by two different doctors? This is what 21 patients supposedly consented to as part of a research project reported in the *Journal of Plastic and Reconstructive Surgery*. But I tend to agree with a doctor quoted by *The New York Times* who said, "There is no woman I know of who would walk in and lie down for that." And it turns out that the written consent form signed by the patients did not explain that different surgical procedures would be employed. One of the participating surgeons said patients were given "an oral description" but all the one patient the *Times* could reach could remember is "something about a new procedure they were going to do. They said it would be for my benefit."

Algebra has made the ninth grade miserable for millions of Americans.

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IF YOU ASSUME THAT MOST people hired for the federal civil service have passed competitive exams, you are wrong. "In the first nine months of last year, more than half of all new professionals hired by the government got their jobs through programs that allowed them to skip the entry-level exam," writes Mike Causey of *The Washington Post*. The reality of the civil service is radically different from what people imagine. The Professional, Administrative, and Clerical Exam is given to applicants for GS 5 or 7 entry-level jobs. But Hispanics and African Americans can avoid it if they got good grades in college, never mind what college. Furthermore, neither getting nor being promoted to a higher level job necessarily requires passing a written exam. Far from it. Most of these jobs and promotions are awarded on the basis of an evaluation of credentials and personnel files. Success in getting them is often more attributable to what insiders call the buddy system than to the merit or the party politics that idealists or cynics would suspect. You find out about the job opening through a network of friends who see to it that your application is favored, sometimes even writing the job description so that you're the only person who can fill it.

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THE STYLES SECTION OF *The New York Times* recently came up with another report on trends among the suburban elite of Greenwich, Conn. You will recall the last one was a surge in the number of personal wine cellars being constructed. The latest

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Greenwich building craze, it seems, is walls. "Stone wall fever is spreading," reports the *Times*. The walls are not the one- or two-foot ornamental variety but the kind you can't see over. They cost as much as $1 million to build. And they are meant to keep people out.

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MIKE CAUSEY HAS SOME OTHER disturbing news about the civil service. Discrimination complaints have risen 56 percent since 1991. The backlog of cases in process in the agencies is up 102 percent. And the backlog of unprocessed appeals at the Equal Employment Opportunity Commission is up an incredible 581 percent. The typical case takes about 1,000 days. And only one in 10 succeed. Why then have they grown so much since 1991? In that year Congress passed a law that allows employees who win their cases to collect as much as $300,000 in compensatory damages. It's become the Powerball of the Bureaucracy.

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TWO SISTERS WERE KILLED LAST month in Arlington County, Va., by a man who was driving the wrong way on I-395 and had, according to the police at the scene, "a strong odor of alcohol." He also was driving despite two previous convictions, one for driving while intoxicated and the other for reckless driving in which alcohol was a factor. In the first case he was referred to a counselor who sent him to an alcohol treatment program at which he failed to show up. But at least his license was suspended. The next time, he was referred again to a counselor, failed to show up, and kept his license.

The same week, a Prince George's County, Md., teacher was killed by a driver who plowed into the rear of her car. This driver too had been arrested twice for drunk driving. He too had failed to show up, for which Maryland authorities rewarded him by doing nothing to apprehend him.

Just think of how many times you've read stories like these. The main fault with our criminal justice system is not the death penalty or police brutality or any of the other things one hears discussed. The big problem is screw-ups and inefficiencies that leave the guilty free to commit other crimes. The authorities have failed in one way or another, not arresting, not convicting, not incarcerating, or not revoking licenses. The result is the death of three innocent people in just one week in just two counties. Isn't it time to take law enforcement seriously and make a real effort to hire better police and reform the criminal justice system to make sure the guilty don't slip between the many cracks it now has?

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ANOTHER CAUSEY TIDBIT THAT should concern you is that at this moment government "has more retirement age workers than at any time in its history." Yet as Robert Worth points out in this issue, the Clinton-Gore administration, despite its alleged interest in reinventing government, has done next to nothing about attracting high-quality people to replace the retiring civil servants, at least some of whom are doing jobs that count and really need to be replaced.

I write about these matters because this magazine and Causey's column, which is buried in the *Post*'s back pages, are among the few places you're likely to learn about them. Press coverage of the executive branch of government is, as I've often lamented, deplorable.

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THE SAME IS TRUE OF STATE government. It used to be that state legislatures, if not the executive branch of state government, were well covered. When I came to the West Virginia legislature in 1960, top reporters from the Charleston papers attended every session. But, according to Charles Layton and Mary Walton, writing in the *American Journalism Review*, papers have made drastic cutbacks in their legislative coverage. "In capital press rooms around the country, there are more and more empty desks and silent phones." Why? One editor explains: "Who wants to read all this government stuff?"

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IF YOU'RE IN TROUBLE, YOU call 911. That's what you're supposed to do. But if you live in Washington, D.C., you may have to wait quite a while for an answer. "Almost 50,000 people calling for help from the Metropolitan Police Department this year heard the phone ring for at least 90 seconds" before an operator picked up, according to an Inspector General's investigation reported by *The Washington Times*. This means you could well have been shot, stabbed, robbed, or had the fire you were trying to report get out of control before you heard the operator's voice. If you do survive until your call is answered, there's a good chance that the voice you hear will not be warmly reassuring. Twenty-eight percent of all 911 complaints state that the operator was rude.

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WHAT IS THE PRESS GIVING THE public instead of "government stuff"? Neil Hickey, writing in *Columbia Journalism Review*, notes that *Time*'s cover stories in 1997 included ones on Ellen DeGeneres, Steven Spielberg, Generation X, the pop singer Jewel, Brad Pitt, Bill Cosby, and "What's Cool this summer" while *Newsweek* edified us with covers on TV cartoon shows, JonBenet Ramsey, Bob Dylan, Deepak Chopra, and "Does it Matter What You Weigh?" If only the editors would expend half the energy they devote to such froth to making the great issues of gov-

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ernment come alive for their readers! What they need to do is make clear the difference effective or inept government can make to the reader and his family in everything from getting his desperate call to 911 answered promptly to highway deaths like the recent ones in Maryland and Virginia to the nursing home scandals that a recent GAO report attributes to a failure of state and federal regulators.

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IF THE PEOPLE ARE not informed about what government is doing, it's hardly surprising that they lose interest in it. And lose interest they have. Where 60 percent of them voted in the 1960 elections, only 49 percent did in 1996.

The main problem with the criminal justice system is screw-ups.

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ALGEBRA HAS MADE THE NINTH grade miserable for millions of Americans. The result is that many of them avoid a second year of algebra and other more advanced math courses. Yet, according to June Kronholz of *The Wall Street Journal*, "the gap in test scores between students in private school and those in public school largely disappears if [the public school students] take upper-level math courses, beginning with algebra."

How then can ninth grade algebra be made if not fun, at least bearable? Teachers need a stronger background in math. Many have had only a few more courses than the students they teach.

But just as important as better teaching is eliminating the shock of a too-sudden introduction of abstract thinking. Only 30 percent of the material in an eighth grade math course is new, reports Kronholz, but 90 percent of the ninth grade algebra is new—"a huge blast of abstract thinking after years of easy-going arithmetic." The obvious solution is a more gradual introduction of algebra.

Algebraic ineptitude is clearly not a key to advancement in a technological society. It *is* a key to putting U.S. high school students near the bottom in international comparisons of math skills.

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ANOTHER IDEA I LIKE IS STARTing school later in the day. Certainly no reform would command more universal support among American adolescents. Zoe Lofgren, a congresswoman from California, responding to evidence that kids need more sleep, has introduced a bill that encourages schools to start classes after 9 a.m. Many now begin at 7:30 or 8, and some students have to get out of bed as early as 5 a.m. to catch the bus.

An added advantage to the later start would be that kids would remain in school till 4 or 5 p.m., keeping them off the streets during some of the peak hours for juvenile crime.

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A RECRUITING BONUS TO attract able people to teaching is still another idea I like. This proposal comes from Thomas Birmingham, a Massachusetts legislator. He wants to offer $20,000 as an incentive to outstanding prospective teachers. This would be a good way to attract the strong math majors we need to overcome the algebra problem. I should make clear that I don't believe a bonus will motivate people to teach who don't want to. But it will give an argument for the motivated to use with parents, friends, and significant others whose worries about financial matters lead them to discourage would-be teachers.

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TAYLOR BRANCH, AN ALUMNUS of this magazine, has been doing some part-time college teaching while working on the third volume of his biography of Martin Luther King. Recently over lunch he talked about his students' ignorance of history, particularly that of the second half of this century. The students attribute this ignorance to their history teachers' barely making it to World War II before the school year ends. I'm sure that there's truth in this explanation—in my day the teacher seldom got past World War I.

But there's also evidence that history is not as well taught as it used to be. In a recent survey, students did much worse than adults, getting half of the answers right, where adults got seven out of 10. For example, two-thirds of the youngsters compared to a third of the adults did not know that Patrick Henry said "Give me liberty or give me death" rather than Thomas Jefferson, Abraham Lincoln, or Paul Revere.

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SPEAKING OF *Monthly* ALUMNI, Gregg Easterbrook recently explained in *The New York Times* why the world's leader in space, the USA, had to use Chinese launchers to put American satellites in orbit. The reason is that our space program has concentrated on big ticket items and has neglected to build lower-cost launchers. The result is that it cost $10,000 to $12,000 a pound for NASA to launch a satellite. The Chinese can do the job for $4,000 to $5,000 a pound.

The bureaucratic imperative behind NASA's preference for big ticket items is that high cost projects make it easier to justify large agency budgets and government agencies have a natural tendency to seek big budgets if for no other reason than to support promotions and pay raises for their employees.

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DID SOME OF YOUR FAVORITE

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movies not make the American Film Institute's 100 Best list? Certainly they ignored some of mine—"Seven Days in May" with Frederick March and Kirk Douglas, "The Producers," with Zero Mostel, "My Little Chickadee," with Mae West and W.C. Fields, "The Man Who Would Be King," with Sean Connery and Michael Caine, the original "Lolita" with James Mason and Peter Sellers, "Ship of Fools," with Lee Marvin and Vivien Leigh, and "The Americanization of Emily," with James Garner and Julie Andrews. The last was unusual in being both very funny and a great antiwar film.

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SO, SPEAKING OF ANTIWAR films, what about "Saving Private Ryan"? Conservatives say the movie fails to acknowledge the noble purpose of World War II. If, however, you take Private Ryan as a symbol of the rest of us who were saved by the sacrifices of those who died in Normandy, then Spielberg's "war is hell" message is not inconsistent with believing that this war saved mankind.

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THE DANGER POSED BY HIGH-speed police chases has been a frequent target of this column. But I must say that, among the many forms of mayhem and havoc these chases have caused, I have never encountered one like what occurred on April 13 in Suffolk, Va. A patrol car engaged in hot pursuit of two teenagers went out of control and plowed into the Bennett's Creek Station Branch Library where it caught fire. By the time the fire was extinguished the roof had caved in and all the books that were not out on loan were destroyed.

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HERMAN I. KRAUS IS THE PRINcipal owner of the Bedford Gardens apartment complex in Brooklyn, N.Y. The complex is serviced by a number of enterprises that are also part of the Kraus empire. The rent checks go to Kraus Management. The guards come from Kraus Security. Maintenance is performed by Kraus Maintenance. Legal problems are handled by the firm of Kraus & Kraus.

Kraus seeks rent increases and subsidies on the basis of the expenses incurred by Bedford Gardens "nearly all charged by his own companies," according to Randy Kennedy of *The New York Times*, who also notes allegations that "many of them charge two to three times what other companies bill for the same services."

If these allegations are true, is this not a case study in why a market economy needs watchdogs and sometimes requires more, not less regulation?

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CHARLES F.C. RUFF, THE White House counsel, "unfailingly refers" to Bill Clinton as "my client," according to Ruth Marcus of *The Washington Post*. Several of his predecessors have viewed their role similarly. And, in my view, they have been wrong. They have a higher duty and it is to serve the public interest and to never hesitate to tell the president when they think he is not serving that interest. The country comes first, not the man.

But this does not mean they cannot make their advice confidential. I agree with Judge David Tate's dissent in the Bruce Lindsey case: "No president can navigate the treacherous waters of post-Watergate government, make controversial official legal decisions, decide whether or not to invoke official privileges or even know when he might need private counsel, without confidential legal advice." There needs to be someone on the White House staff whom the president can feel absolutely free to confide in, otherwise, the loneliness of the job could become unbearable.

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LAST YEAR A TAX BREAK FOR the wealthy got enacted into law accidentally. It benefits only estates worth more than $17 million. So a mistake was made. Surely it will be corrected. Not so fast, says Bill Archer, the Republican chairman of the House Ways and Means Committee. He has insisted that the break be kept. Could this have anything to do with the fact that he represents a district that, according to *The New York Times*, "is one of the wealthiest in the country"?

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IF YOU'VE MOVED RECENTLY, there's a very good chance you were overcharged and not just a little bit. Consider what happened to Joel and Elizabeth Smith, a couple who recently moved from Chicago to Columbia, Md.

The moving company estimated the cost would be $2,800. But when the van arrived, the Smiths were told the bill was $5,500. What's more, the driver demanded cash, which they had to scramble to raise.

This story was told by *The Washington Post* but the problem is nationwide. Both overcharging and the demand for cash are now common. According to a book we reviewed several years ago, a third of Americans move every year. I have no idea if that figure is accurate but even if it's only one tenth, that means 20 million people are likely to be victimized each year.

Why are such practices permitted? The answer in a word is deregulation. The federal government used to regulate moving companies. You could complain to the Interstate Commerce Commission if you thought you had been cheated. Even though the ICC was not a model of efficiency, the possibility of having complaints pile up in its files was enough to deter most moving companies from the kind of flagrant abuse we're seeing today. ●

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Sorry, Wrong Number

Ever tried to make a simple call to your government?

BY SETH GROSSMAN

HAVEN'T AL GORE AND HIS REINVENTING government team been laboring for the last five years to make federal agencies more efficient and user-friendly? Recently, the *Monthly* asked me to investigate one avenue of their progress—or lack thereof—by phoning a dozen Washington agencies with simple questions to see how easy—or not so easy—it was to receive an answer.

For the first test in the survey, I called the Alcohol Treatment Routing Referral Service of the Department of Health and Human Services' Center for Substance Abuse Treatment. My ostensible purpose was to locate the facility nearest me that offers treatment for alcoholism. I thought this question could be easily answered by a hotline that billed itself as the "Alcohol Treatment Routing Service." I was wrong. Upon dialing the number, I reached a recording detailing a menu of services I could access from the line. I selected the choice for referral to the treatment center closest to me. After a couple of rings, the operator informed me that the number I had called was disconnected. Disconnected? I tried the hotline once more to make sure I had not dialed incorrectly and again I got the same result. I dialed the number for the third time and chose the option to receive printed material. The line transferred me to a completely different agency, where I had to listen to a whole new recording with its own set of choices before I could actually reach the option to receive the printed information.

Clearly helping alcoholics find the road to recovery isn't of particular interest to the government, but what about helping smokers kick the habit? Certainly, I reasoned, with all the anti-tobacco hubbub in recent months, the government is keeping its Smoking and Health Information Line well staffed. Certainly not. After calling the number—and choosing to hear the information in English—I selected the "quit tips" option from the electronic menu. But when I selected the option to receive the information by mail, a recording informed me that I would have to send a written request to a given address before I would be sent any helpful tips. This hotline's middleman approach to helping smokers seemed like bureaucracy at its worst.

My next call, to the Drug Treatment Referrals line, reached yet another electronic menu, and I chose the selection for treatment options in my state. I was promptly disconnected. I went through the same process again three hours later, only to achieve the same result.

Desperate for a positive phone experience, I dialed the Federal Drug Administration's Consumer Inquiries Line to ask about the possible side effects of Viagra. In light of the popularity the drug is currently enjoying, I assumed my inquiry would be simple enough to answer. I should have remembered what happens to people when they assume. My call was answered by (surprise!) a recording. From that original recording, I had to go through four electronic menus before I finally reached the option for questions about prescription drugs. Despite the seeming eternity I had spent on the phone, my spirits rose in the hopes that I had finally reached the outlet that could answer my question. These hopes were promptly deflated, however, by a busy signal. Two hours later I called the line again, repeated the whole process, and achieved identical results. Maybe all those FDA operators were off testing the newfound Viagra. More likely, they hadn't bothered to test their consumer information hotline in a long while.

On a more serious note, I decided to place my next call to the Cancer Information Service. After two electronic menus and nine rings, I finally reached an

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operator who promised to send the information about mammograms that I requested. Victory? Not quite. More than five weeks later, no letter, package, or any other sort of communication had arrived.

While many of the lines I tried had been disconnected, at least they were all free to call. The same could not be said for the Passport Information Line. When I phoned that number, I reached a recording right away, which informed me that it would take 25 business days to process a passport, gave the agency's web page address, and then instructed that all other questions should be directed to the National Passport Information Center—at a cost of 35 cents a minute. It seems that in order to get any real service from a government agency, you have to pay.

Just when I was ready to concede defeat, I had a breakthrough. I called Americorps to request an application for the agency's programs. Upon dialing the number listed in the phone book (a local number for the District headquarters), I reached a recording. The message offered no menu choices, but instead gave an 800 number to call and a web site address to access for more information. I called the number, reached a recorded menu, and selected the choice for general information. The next recording provided another menu option for getting an application. After five minutes, I reached a set of four recorded questions about my name, address, as well as other pertinent information, and following each one I gave an answer. Even though the automatic voice told me that it would take seven to 10 days for the application to arrive, I got it five days later. Finally, I had found one agency that gave what it promised, even if I had to travel through an electronic maze to get it.

My hands-down best experience occurred with a call to the Alzheimer's Disease Education and Referrals line. For the first time that day, I reached a real live person—something I had began to doubt still existed on government phone lines. Intoxicated by the all-but-forgotten sound of another human voice, I chatted a bit with the operator, who promised to send out the information. (It arrived just 11 days later.)

At last I seemed to be on a run of good luck. I called the Immunization Referral Locator Service to ask where the closest place I could receive immunization for my imaginary kids. I reached a recording after nine rings, then, after selecting the option for immunization centers near me, I waited for six minutes. Someone finally came on the line and answered my question. Next, I called the Peace Corps to ask for an application. After one electronic menu, I was connected to an operator who asked for my name and address and sent out the application materials, which I received 15 days later. My next call, to the Sexually Transmitted Diseases Hotline, was resolved even more quickly. I reached an operator right away and asked her for information about syphilis. While she said she did not have any specific information on the disease, she could send me information about STDs in general, which arrived 10 days later. The Transportation Automobile Safety Hotline also proved helpful. I called with a question about the crash results for a 1991 Honda Accord. After going through three electronic menus and four recorded questions, an automatic voice promised my information would be mailed within five business days. Indeed, 11 days later I received the material. Granted, all of these calls were time-consuming, but they did in the end produce the information I was seeking.

But all good things must come to an end. Buoyed by my recent successes, I decided to contact the most reviled government agency of all: the Internal Revenue Service. After my experience, I understand what those congressional hearings were all about. When I first reached the IRS, a recording informed me that because of the "extreme call volume" only automated service was available. I selected the option to receive a transcript of my account from the electronic menu given. After requesting my social security number and reading it back to me, the recording asked if my return had been jointly filed. I entered my answer and all of the sudden an operator kindly informed me that the number I was trying to reach had been disconnected.

The only thing more frustrating than attempting to get information from the government is trying to get a job with it. Having finished the first part of my survey, I decided to call various agencies to inquire about available government jobs. I soon discovered that the agencies' job opportunity lines are no better

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maintained than their information hot lines.

The job opportunity lines of three of the agencies I phoned, the Departments of Energy, Commerce, and Justice, were not in service. I thought my experience with these three agencies said it all about my ability to find out about available government jobs, but I soldiered on anyway. I called the Department of Defense and reached an operator after one ring. My hope was that she could steer me in the right direction. Wrong. She turned out just to be the first step in a complicated process leading nowhere. After explaining my request to the operator, she gave me another number to call. Calling that number, I reached another operator who gave me yet another number to call. That number connected me to a voice mail system, which was full, according to a recorded message.

My adventure with the Department of Education proved depressingly similar. This department did not have a job information line, so I called the central number. From an electronic list, I selected the option for general information and reached an operator who gave me another number. When I called this next number, an operator gave me the number for the job line, which I telephoned repeatedly. No one ever answered.

Finally, with a call to the Department of Health and Human Services, I had some luck. Like the DOE, HHS has no job line, so I dialed the central number. I reached an operator, who connected me to the Human Resources Department. The operator at that number gave me the number for a hot line, which had recordings for several job opportunities and offered the option of receiving the information on a particular opening by fax.

I had an equally positive experience with the Office of Personnel Management, which also had a job information hot line with recordings listing the jobs available. OPM's line also offered to fax me a hard copy of any of the recordings I heard—and they promised to do it within 24 hours.

My foray into the world of government employment proved to be almost identical to my attempts to pry information out of government agencies. The only new insight I gained from this search was real people acting as operators can be just as frustrating and unhelpful as automated menus. In general, however, I learned an important lesson from my government phone odyssey. Government inefficiency is still alive and well and living in the phone systems of federal agencies. You must have patience and a large amount of spare time if you expect to get a question answered. These lines are not for the easily frustrated. While there are some good agencies out there, with phone numbers that connect you to where you want to go and operators who can answer your question or send the information you want, for the most part the phrase "government help line" is a misnomer. In far too many of these agencies, help lines seem to exist just for the sake of existing, and not really because the agencies want to provide anyone with any help. ●

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Too Well Endowed?

Are top universities more concerned about money than about educating students?

BY MICHELLE COTTLE

OFTEN, IT IS THE CONFLUENCE OF several news events that brings the real story into focus. Take the Feb. 18 press release on the results of the National Association of University and College Business Officers' annual survey of school endowments: "Golden Era in University and College Endowments," the organization trumpeted. "Institutions Hold More Than $150 Billion." The strong economy, it seems, has been very good to our institutions of higher learning. University endowments—the pool of donated money, land, artwork, etc., that schools invest in stocks, bonds, and real estate—have benefited from the long-lived bull market along with everyone else's investments. The Ivy League has done particularly well: As of mid-1997, Princeton's endowment had swelled to $5 billion; Yale had $5.7 billion, while Harvard led the pack with $11 billion. (Needless to say, those figures have since risen considerably—even with the recent dip in the Dow.)

In and of themselves, the survey findings are noteworthy but likely to dissolve quickly into the pool of articles about how market madness is changing America. The story becomes more interesting, however, when viewed in conjunction with an April report from the Carnegie Foundation showing that America's top universities "have too often failed, and continue to fail, their undergraduate populations." The report notes that this nation's 125 research universities (those that offer a range of baccalaureate and graduate degrees and receive several million a year in federal funding for research) are focusing on high-level research work at the expense of students. The commission—comprising university officials, as well as members of the Carnegie Foundation for the Advancement of Teaching and the American Council on Education—charges:

> [University] recruitment materials display proudly the world-famous professors, the splendid facilities, and the ground-breaking research that goes on within them, but thousands of students graduate without ever seeing the world-famous professors or tasting genuine research. Some of their instuctors are likely to be badly trained or even untrained teaching assistants who are groping their way toward a teaching technique; some others may be tenured drones who deliver set lectures from yellowed notes, making no effort to engage the bored minds of the students in front of them.
>
> Many students graduate having accumulated whatever number of courses is required, but still lacking a coherent body of knowledge or any inkling as to how one sort of information might relate to others. And all too often they graduate without knowing how to think logically, write clearly, or speak coherently.

We're not talking about Podunk U. here. The schools examined by the commission include the cream of our education establishment: Harvard, Stanford, Yale, Princeton, Duke, Rice—in short, some of the most respected (and most expensive) institutions around. Adding insult to injury, the report reminds us that undergraduate tuition is "one of the major sources of university income, helping to support research programs and graduate education." In other words, undergrads and their parents are subsidizing the programs that divert university attention and resources away from said undergrads.

Now add to this mix a series of recent headlines from various papers: "Harvard will raise tuition 3.5%; cost per year in fall tops $31,000"; "Brown to raise student costs to $31,060"; "Dartmouth hikes tuition 4 percent"; and so on. Providing a broader view of the situation, a January report by the National Commis-

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sion on the Cost of Higher Education notes that, between 1987 and 1996, the average tuition price jumped 132 percent for public, four-year colleges and universities and 99 percent for private ones. Tuition increases have dramatically outpaced not only inflation, but also universities' costs to educate students.

Taken all together, these stories paint a disquieting picture of what's happening in the realm of higher education: Our top schools are richer than ever, but tuition costs continue to rise at more than twice the rate of inflation. And, in stark contrast to the old "you get what you pay for" adage, the quality of undergraduate education is in decline. Clearly, there has been a breakdown in the system—a breakdown caused not by financial troubles, but by the misplaced priorities of universities, students, alumni, and society in general.

Brother, can you spare a million?

If you went to college, chances are at some point since graduating you've gotten one of those phone calls: "Hello, Ms. X? My name is Mr. Y. I'm calling on behalf of University Z's reunions [i.e., fund-raising] campaign to see if you'd be willing to pledge a gift of $50 or more to help your class reach its stated goal of $1 million." If you're one of your alma mater's more financially successful alumni, you may even have received a personal visit from the school's development (i.e., fund-raising) office, asking you to donate $500,000 or $1 million to help finance a new Russian studies department or renovate the freshman dorms. (See sidebar.) And if you're Bill Gates, you may have been tapped to give $15 million to a college from which you never graduated.

Much like politicians, universities and colleges always seem to have their hand out. In addition to annual giving campaigns (which raise unrestricted funds to augment schools' operating budgets), universities are on an endless quest to increase the size of their endowments. Now without question, supporting higher education is a worthy cause. Even with the explosion in tuition over the past 15 years, it still costs most colleges more to educate a student than the schools collect in tuition and fees. (Though it bears noting that this subsidy has shrunk over the past 15 years, according to the National Commission for the Cost of Higher Education.) For public universities in particular, reductions in state support since the late '70s have resulted in serious headaches. Without additional aid, most schools would either be forced to raise tuition even higher or find ways to cut costs, perhaps at the expense of academic programs.

This is where endowments come in handy. Although the principal remains in a rainy-day fund that can't be spent under normal circumstances, the money earned by investing the fund can go toward a variety of projects, from capital improvements to student aid. The explosion in endowment values, then, opens up some exciting opportunities for schools looking to improve both access and quality. Last fiscal year, for instance, universities averaged just over a 20 percent return on their endowments. Harvard's endowment alone grew by more than $2.1 billion. If the school put even 10 percent of that income into scholarships, nearly 7,000 students who might not otherwise be able to afford Harvard's $31,000-a-year pricetag could attend for free. But since Harvard has fewer than 7,000 undergraduates total, a better plan might be to apply that 10 percent toward a significant price cut for the 18,000 students in all of Harvard's various schools (divinity, medical, education, etc.). As for improving program quality, the university could set aside another 10 percent—or 20 percent or the remaining 90 percent for that matter—for hiring additional faculty, upgrading technology, landscaping Harvard Yard, and so on.

Alas, such dramatic changes in tuition rates or educational investment are not on the horizon. Unlike private nonprofit foundations, which are required to spend at least 5 percent of their assets each year, colleges and universities are under no such obligation. As such, many (including Harvard) spend around 4 percent (or less) of their endowments. When asked about increasing that percentage, university officals insist that such a move would be unwise because, even though times are high today, the school must be prepared for when the economy turns sour. "We've enjoyed an unprecedented five- or six-year period with the market performing like it is," says William H. Boardman Jr., vice president for capital giving (i.e., big-money fund-raising) at Harvard. "But it's not going to last forever. Most institutions have to be responsible. We have to be prudent."

Such long-term planning is to some extent admirable—much like a frugal parent saving his pennies for his daughter's college fund. No bull market runs forever (something the recent drop in the market reminded investors), and despite the huge gains of recent years, the endowments at many schools still do not provide much of a financial cushion. (East Carolina University, for instance, has a paltry $27 million endowment.) But from our top private universities, with their multibillion rainy-day funds, such sentiments seem disingenuous. Even accounting for inflation, we're talking about sums these schools could

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never have imagined 50 or even 20 years ago. For example, during the entire 1930s, Harvard's endowment increased by $30 million. During the 1970s, it increased by $811 million. Between 1990 and 1997, Harvard's endowment swelled $6.3 *billion*. Last year alone, it increased by enough to run the entire university for a full year—with $600 million to spare.

While maintaining a financial safety net is all well and good, there's a certain amount of spending that must be done along the way. If our thrify parent, for instance, becomes so obsessed with saving that he refuses to spend on books or tutoring or other items to nurture Little Susie's intellect early on, that hefty college fund will be of little use. Likewise, one might wonder if universities shouldn't focus more on avoiding another tuition hike or improving faculty-to-student ratios rather than on whether their endowments will earn $1.2 billion or $1.3 billion this year. As Henry Hansmann, a law professor at Yale University, told *The New York Times* last month: "Saving is worthwhile only if you have a better use for the money in the future than you do now. With universities, there is no particular reason to believe that there will be a better use in the future and every reason to believe the reverse is true. At any moment, boards of trustees should be asking whether a dollar is better off going into an endowment or being invested in a young student's mind or in research." Besides, in the event that the stock market should tank, schools would lose the bulk of their nest-eggs anyway, without having invested in any worthwhile projects.

But as administrators ramble on about the need to ensure that their university will always be around, one gets the sinking feeling that institutional perpetuation and enrichment have displaced education as the schools' fundamental goal. This drive to keep fattening endowments evokes images, not so much of a thrifty parent, but of Ebenezer Scrooge hoarding his gold while his poor clerk struggles to put food on the table.

Granted, few graduates of top universities are facing starvation. But many do emerge from college burdened with five-figure student-loan debts that hang with them for years. And although schools have increased financial assistance to students in recent years, the majority of aid (60 percent) has been in the form of loans, which students must repay, as opposed to grants. A February report by the GAO found that, between the 1992-93 and 1995-96 academic years, the number of graduating seniors who had borrowed money during college jumped from 42 percent to 60 percent for those attending public institutions and from 50 to 58 percent for private ones. Similarly, students owing $20,000 or more rose from 9 to 19 percent. Faced with these figures, it's hardly surprising that college graduates are increasingly fixated on finding high-paying jobs than on pursuing public-service-oriented careers.

Education Consumers, Unite!

So why aren't students and parents taking to the streets to demand change? This seems in part to be a by-product of the awe with which we regard academia. While Americans expect cost competitiveness and customer responsiveness from almost every other business—even the hallowed profession of medicine has lost much of its mystique—universities, particularly prestigious ones, still operate as if they are above it all. To some extent they are. Top schools can ask students to pay $20,000, $25,000, $30,000 a year, yet rest assured that people will still line up for miles to apply. The misguided notion that higher prices automatically mean higher quality—a phenomenon dubbed "the Chivas Regal effect"—may actually encourage universities to keep sticker prices high.

The Carnegie report that top universities are shortchanging undergraduates is unlikely to diminish the prestige of these schools, nor the mad scramble to attend them. In recent years, the nation's Ivy worship has reached a fevered pitch. Since the '70s, Princeton's acceptance rate has gone from 17 percent to 13 percent; Yale's from 24 to 17; and so on. (Full disclosure: The author neither attended nor applied to any of the Ivies.) Parents fight to get their tots into "the right" preschool in preparation for Harvard or Princeton; authors get rich exploiting parents' anxieties with books such as *A Is For Admission: The Ultimate Insider's Guide to Getting into the Ivy League and Other Top Colleges*. (In a December review of this book for the *Monthly*, *Washington Post* reporter Jay Matthews notes, "Every other page bears the unmistakable message that your life may be over if you are denied admission to Brown, Columbia, Cornell, Dartmouth, Harvard, Penn, Princeton, or Yale.")

But pushy parents aren't the only ones driving this phenomenon. Regardless of what one may or may not have learned at Columbia or Yale, the cachet of an Ivied diploma is powerful. Sure, the left-coast software industry may not care where its programmers went to school, but credentialism is still alive and well in a variety of professions, including law, finance, business consulting—even the media. (Just recently, a New York reporter half-jokingly asked me how I had man-

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aged to get a Washington journalism job without having attended Harvard.) Such misplaced priorities do a disservice to our society, and particularly our students. As people become more and more desperate to attend a handful of prestigious schools, they become less objective about those universities and less demanding about what they receive for their education dollar. As for outside pressure to reform, while elementary and secondary schools are constantly scrutinized and their students tested for mastery of certain information, institutions of higher learning face no such regular reviews. Students are judged primarily by the school name on their diplomas and, perhaps, the grades issued them by that university (which brings up the issue of grade inflation at top schools—but that's a whole other article). Without pressure to maintain teaching standards, universities, as the Carnegie report notes, shift their attention and resources to research, which nets them federal grant money and increases their prestige within academic circles, but does little to educate undergraduates.

Clearly, something must be done to remind universities that their primary goal should be to provide students with the best education possible—not to give professors the most free time to pursue research and certainly not to see who can beg, scrimp, and invest their way to the first trillion-dollar endowment. Of course, getting schools' attention will probably require hitting them where it hurts: their wallets. Perhaps, to help get the focus back on teaching, we should implement exit tests for graduating college seniors. Any school that failed to provide students with a basic mastery of the field in which they majored would be ineligible for federal grant money of any sort. Educators would, of course, argue that no test can truly measure intellectual development. Perhaps. But students planning to pursue professional degrees already face comprehensive tests such as the

Fund-Raising 101

William H. Boardman Jr. has a job most people would find daunting. As vice president for capital giving at Harvard, Boardman oversees the procurement of "major gifts" for the university. We're not talking about calling around for contributions of $1,000, $10,000, or even $100,000. Rather, Boardman works with Harvard President Neil Rudenstein and other university bigwigs to separate prospective donors from, say, $5- or $10 million.

After 35 years in fund-raising—the last 23 of which he's devoted to Harvard—Boardman is very good at his work. Katherine B. Loker, for instance, has given $27 million to the university's ongoing fund-raising campaign. Mr. and Mrs. Leonard H. Goldenson have pledged at least $50 million. The university's stated goal is to raise $2.1 billion by the end of 1999; as of this July, $1.9 billion had already been pledged.

A bit farther south, Jotham Johnson, director of leadership gifts for Princeton, is engaged in a similar pursuit for his school—with equally impressive results. Though at first glance Princeton's $5 billion endowment pales next to Harvard's, Princeton boasts the highest per-student endowment in the nation: approximately $787,000. Princeton, too, is in the middle of a fund-raising campaign and is on track to surpass its goal of $750 million. Johnson says the secret to success is believing in your product: "One of the things that has made the asking chore easier at Princeton is that so many of the volunteers believe deeply in the experience they have had here, the mission of this university, the importance of higher education."

School spirit notwithstanding, endowment gifts don't just leap onto the desks of Boardman, Johnson, and their fellow fundraisers. More often than not, big-money givers must be identified and courted, their interests piqued, their hands held, and their egos stroked before they take that six- or seven-figure plunge. And the fund-raising apparatus the top schools have put in place to maximize such giving are enough to make the Democratic National Committee green with envy.

Contrary to popular belief, not every Harvard or Princeton alum is in a position to donate a couple of million. Separating the wheat from the chaff—a process Princeton refers to as determining an individual's "gift capacity"—is thus the obvious first step. Explains Johnson, "Someone will say, 'I think [this alumna] has a million dollars,' and we'll want to get a read on her as soon as we can." To this end, university development offices employ staff researchers who comb through piles of data for tell-tale signs that an alum has significant giving potential. (e.g., Are they on the boards of any major corporations? Have they made big contributions to other nonprofits?) But paid staff is only a small part of the process; alumni volunteers are perhaps even more valuable. For example, before it launches a fund-raising campaign,

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LSAT (law school), MCAT (med school), GMAT (business school), and GRE. In fact, determining if a soon-to-be-graduate knows how to "think logically"—something the Carnegie report suggests is too often not the case—is a primary aim of the LSAT. A similar exam could be designed and administered to students entering college, and again just prior to graduation to measure their progress.

A less formal but equally effective measure would be for students, parents, and alumni to start demanding more for their money. Even the most nostalgic, school-spirited alumnus should be disturbed by the Carnegie report; does this generation of Elis or Princetonians deserve any less of a quality education than previous ones? Before whipping out their checkbooks to donate another $500 or $500,000, alumni might want to register their concerns with the administration. (It's amazing how attentive adminstrators can be when money is on the line.) If visible improvements don't start to materialize, and donations start to dry up, universities *will* listen.

There is already some indication that public pressure does work. Just this year, Princeton, concerned about a decline in middle- and lower-income applicants, announced plans to provide more student grants as opposed to loans. Yale promptly followed suit. (Harvard did not.) A handful of universities, most notably Stanford and Columbia, also pledged to stop the widespread practice of reducing school-awarded aid to students who win scholarships from other sources. Moreover, tuition increases have slowed considerably since 1993, though this may be less the result of public pressure than the fact that inflation is so low. Such actions are a clear step in the right direction. But they are only a first step—and a relatively small one. It's time to insist that our top universities start living up to their reputations—and their pricetags. ●

Research assistance provided by Seth Grossman.

Princeton conducts an alumni-screening effort in different regions of the country. The university gathers together 15 to 30 "proud and active Princetonians" and asks them to review a list of other alumni in their area. For each name on the list, says Johnson, attendees are asked "to give us their best indication of what they believe that person's gift capacity to be." Through its various research efforts, Princeton has determined that around 5 percent of its alumni have the capacity to make "a leadership gift," defined as $100,000 or more.

But just because someone can afford to give does not mean they are inclined to give, stress both Johnson and Boardman. Thus the care and handling of potential big donors is approached much more delicately than soliciting "the masses," as one university official put it. Before approaching a prospect, the development office tries to determine what projects might interest the person. Someone who majored in English might consider endowing a professorship in that department; other alumni are more inclined to support the football program or campus beautification. It's the challenge of discovering what prompts people to open up their checkbooks, says Boardman, that he finds most appealing about his job: "Fund-raising is an art, not a science. There's a lot of psychology involved, a lot of strategy—finding out what motivates people to want to be generous."

How a request is made is as important as the actual nature of the request. Forget the random phone calls and form letters most of us get. Big-money gifts are solicited face-to-face. Top university officials are typically involved—Boardman estimates Neil Rudenstein spends a third of his time on fund-raising—as are alumni who have themselves made a major gift. ("Peers talk to peers" is a sentiment I heard more than once.) Princeton does its leadership-gift solicitation in pairs, preferably one staffer and one alumni per potential donor, says Johnson. "We find it compelling to have a volunteer march in and explain why they're volunteering time—and perhaps mention some indication of what they are committing to the campaign," he explains.

Finally, timing is key. As at many universities, Princeton's fund-raising campaigns last five years to ensure that every graduate has a major reunion—5th, 10th, 15th, etc.—during the course of the campaign. "When a class has a major reunion, we make a special effort to get people back on campus," says Johnson. Nostalgia runs high at these celebrations, resulting in "huge dollar success" for the campaign.

All of this may seem a little calculated for some people's taste. But Johnson emphasizes that schools such as Princeton are competing with other causes for donations and can ill afford to become complacent in their fund-raising. "A significant number of our alumni are viewed as community leaders and are being asked to support any number of things. If we just assumed Princeton was always going to be someone's No.1 priority, it would be a serious miscalculation."

God forbid some alumnus waste his money on Jerry's Kids or the Salvation Army. —*MC*

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What's Hot at APSA

What the latest research reveals about race, crime, money, politics, and American values

BY WILL VAN SANT

THIS MONTH, LEGIONS OF DEEP thinkers will converge on Boston for the annual meeting of the American Political Science Association. There they'll compare research, schmooze in the cool, incipient New England fall breezes, and engage in some hard-core academic ruminating. And while the gathering most likely won't generate a media frenzy near the magnitude of, say, Monica Lewinsky's getting her hair done, attention paid to the work presented there can serve to inform debate on a host of pressing issues. In preparation for the conference, the *Monthly* took an informal survey of some of the nation's top political and social scientists to find out some of the more talked-about work that is to be presented.

Campaign Cash

Despite the high visibility many politicians and outraged public-interest groups have given to the issue of campaign finance reform, does anyone really know to what extent money spent campaigning affects electoral outcomes? Not according to Jeffrey Milyo of Tufts University. While admitting that a candidate with a dramatic monetary edge can use the cash to pad his vote share, Milyo says his research shows that small differences in spending between individuals has no discernible effect. (And in at least one instance, which we'll get to in a minute, he's found that this trend holds true even in elections with major spending disparities.) Milyo dismisses past research that has stressed the positive, vote-gaining effects of campaign spending as methodologically flawed. Insufficient controls for other factors that contribute to campaign victories, he asserts, have resulted in misleading conclusions. "If you approach this issue with the belief that money influences vote share, then you can find confirmatory evidence," says Milyo. "If your approach is more skeptical, then what you find is much less conclusive."

Researching this issue does indeed present a methodological challenge. How can a candidate's campaign wallet be isolated for study from other, less quantifiable attributes, such as likeability, integrity, and performance record—all of which not only make a politician a better fund-raiser, but of themselves contribute to electoral success? Indeed, this question highlights one of the persistent problems of the social sciences in general: Replicable and controlled environments in which to test hypotheses are few and far between. But thanks to the baser elements of human nature, Milyo was provided an episode which, in several aspects, resembles that of a controlled natural-science experiment.

In 1992 Enid Greene and Karen Shepard vied for an open U.S. congressional seat representing Utah's 2nd congressional district. Shepard defeated Greene by four percentage points. The two faced each other again in 1994, with Shepard as the incumbent and Greene the challenger. As the incumbent, Shepard would seemingly have had the edge. But this time around, Greene had a new husband, Joe Waldholtz, whom she happened to name her campaign treasurer. In the months leading up to the '94 election, Joe stole several million dollars from his new father-in-law—$1.8 million of which he funneled into Enid's campaign. Consequently, Enid Greene Waldholtz was the beneficiary of a windfall campaign contribution received independently of other variables that may have assisted in her victory. Aided by a late media blitz, presumably funded by the illegal contributions of her husband, Enid Greene Waldholtz won the '94

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election by 10 percentage points.

Up to this point the evidence seems to suggest that campaign spending does, in fact, equal votes. And indeed, when Joe's imaginative fund-raising style was revealed in late 1995, many people in Utah accused Waldholtz of having bought the election—with stolen cash no less. A close look at the money spent and margin of victory, however, raises questions about the actual role the additional funds played in Waldholtz' victory.

Ignoring other possible factors in Waldholtz' success—such as the strong anti-incumbent bias that defined the 1994 elections—and attributing the entirety of the 14 percent decrease in Shepard's vote share between '92 and '94 to the influence of her opponent's ill-gotten campaign funds, Waldholtz still gained less than one percentage point of the vote for each $100,000 of the $1.8 million in illegal funds she spent. Even this may well be an exaggeration of the money's effect, since an independent candidate—Merril Cook—siphoned 18 percent of the vote away from Waldholtz and Shepard. According to Milyo, the Waldholtz case is indicative of broader findings in his research.

Though the benefits to politicians of massive campaign spending is less clear than many people believe, research being conducted by Stephen Ansolabehere and Jim Snyder of MIT indicates that the benefits to those making the donations are somewhat clearer. Despite politicians' assurances that political contributions have no influence on their vote—a claim already considered specious by those of us concerned about the influence of special interest money in politics—Ansolabehere's work shows that the giving patterns of big-money donors do, in fact, suggest that political influence is being treated as a commodity.

Ansolabehere began his analysis by separating donors into two groups: consumers and investors. Consumer-donors give because they support the cause or causes that the politician or party represent, while investors-donors—which include corporations, unions, and political action committees—are seeking a return on their investment in the form of access to, or services and favors from, politicians. Consumer donations behave like charity donations, fluctuating based on factors such as a donor's income level and are, says Ansolabehere, "a matter of taste." Investor donations, on the other hand, are extremely invariant. For example, while campaign spending among senators varies widely, the differences in aggregate PAC contributions to the Senate do not—ranging from around $1 million at the lowest quartile to $1.7 million at the highest. In less technical terms, this means the average PAC donations to the most poorly funded 25 percent of senators is about $1 million, while the average PAC donations to the most well-funded 25 percent of the Senate is $1.7 million.

Using Ansolabehere's investor theory, one would expect to find the price of a vote to run about three times more in the Senate than in the House—there being around three times as many House members as there are Senate members, making an individual senator's vote considerably more influential than one representative's. Sure enough, from 1978 to 1996, PAC contributions to the Senate and the House have adhered closely to a 2.7-to-1 ratio. Evidently, even as dollar amounts have risen, the market price for access to a politician has remained proportionally constant between the House and Senate over the past two decades.

Further insight into the PAC-politician connection is afforded when we look at the distribution of contributions in relation to the power structure of each house of Congress. The distribution of power in the House is stratified, with party and committee leaders clearly sitting atop the food chain. Investor-donors recognize this, and their donations—unlike consumer-donors'—closely follow the hierarchy in the House. For instance, Ansolabehere notes that before joining the Ways and Means Committee in 1984, Rep. Ray McGrath's (R-NY) total PAC receipts stood at just over $100,000. McGrath joined the Committee in 1985 and by 1988 his PAC receipts totaled over $300,000. By contrast, on the Senate side, where political power is more equitably distributed, investor donations too are more evenly spread out.

Candidate Emergence

Where are the quality candidates for elected office? This is the question that a team of researchers, led by L. Sandy Maisel of Colby College and Walter J. Stone of the University of Colorado, is investigating. For what is called the Candidate Emergence Study, these scholars sought out 1,400 "activist-informants," evenly distributed across the political spectrum, from a random sample of U.S. House districts. These 1,400 informants were asked to identify potentially strong candidates for the House from their respective regions. They were encouraged to choose individuals they thought truly worthy of elected office, regardless of whether the person was in a party other than theirs, had ever been mentioned in the press, or had even ever considered running for office.

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The informants were then asked about the odds of their potential candidates running—and possibly winning—in an election. Not surprisingly, while potential candidates who already held office were assigned a 90 percent likelihood of running for reelection, the odds that a nonincumbent would run were placed much lower at 35 percent. Similarly, informants saw a 91 percent chance that the incumbent would win in his party's primary, and an 85 percent chance for victory in the general election. Potential challengers, on the other hand, faced much tougher odds: Their perceived chance at winning the primary was just a bit better than 50-50 and in the general election a bit worse. In fact, the perceived chance that a potential challenger would both run and win was less than 15 percent. Clearly, our current political system is perceived to heavily favor incumbents.

Despite the disparity in expected electoral outcomes, however, informants saw little difference in candidate quality between incumbents and potential challengers. Asked to rate the overall strength of candidates on a scale of 1 to 7, with 7 being the strongest, incumbents averaged a 5.9 and potential challengers a 5.4. More than half of the informants rated the potential challengers as stronger candidates than the incumbents.

From this survey it is clear that the informants feel the best candidates are often not running for the House. But even more disturbing was informants' perception that, as the personal qualities of a potential challenger increase, the likelihood of his or her seeking office decreased. That's right, the greater a potential candidate's perceived level of integrity, ability to solve problems, and grasp of the issues, the less he or she is thought likely to run.

In the second phase of the study the potential

Top Picks

On September 2, more than 6,000 political scientists will converge on Boston for the American Political Science Association's annual meeting. Thousands of papers will be presented. We asked a few of the nation's top political scientists which of them are likely to be most interesting. Their picks:

Linda Fowler, author of *Candidates, Congress, and the American Democracy*, is director of the Nelson A. Rockefeller Center and the Reagan Professor of Policy Studies at Dartmouth.

- "African American Candidates and White Voter Contact: The Individuation of Racial Stereotypes," Nayda Terkildsen, Carol Swain, and David Damore.
- "Roundtable on Campaign Reform," Larry Bartels, Bruce Buchanan, John G. Geer, Kathleen Hall Jamieson, Daron Shaw, and Lynn Vavreck.
- "One, Some, and Many in Public Education: The Relation between Democratic Values and Individual or Group Preferences," Jennifer L. Hochschild.
- "Organizing the Presidency: The Institutional Implications of Presidential Power," Mathew J. Dickinson.
- "The Clinton Legacy: A Conversation with Robert Reich and Charles O. Jones," Robert Reich and Charles O. Jones.
- "Challenges to the American Two-Party System: Evidence from the 1968, 1980, 1992, and 1996 Presidential Elections," Paul R. Abramson, John Aldrich, and Philip Paolino.
- "Home Style Revisited: A Case Study of Political Change," Richard F. Fenno Jr.
- "Racial Polarization and Realignment in the New South," D. Stephen Voss.
- "The Changing Politics of Medicare: 1966-1996," Theodore Marmor.

James M. Glaser, author of *Race, Campaign Politics, and the Realignment in the South*, is an associate professor of political science at Tufts University.

- "Who Bowls? Class, Race, and Participatory Inequality over Time," Henry E. Brady, Kay Schlozman, and Sidney Verba.
- "The Consequences of Russian Intolerance: The Political Freedom of Minorities," James Gibson.
- "Sharing the Burden? The Politics of the Public and Private Social Provision in the United States," Jacob S. Hacker.
- "The Impact Of Science on Public Opinion: How People Judge the Natural Seriousness of Global Warming and Form Policy Preferences," Jon A. Krosnick.
- "Are European Party Systems Being Transformed in Response to European Integration?" Gary Marks and Carole Wilson.
- "Is There a Professor in this

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candidates identified by the informants were contacted and asked to explain their attitudes toward running for office. About 1,200 responded. Though at the time of this writing the data collected is still being evaluated, some common objections made by the potential candidates have emerged: The effect on family, loss of privacy, negative campaigning, and the sense that they can accomplish more in another role, perhaps in state legislatures, were common reasons given for an individual not seeking election to the U.S. Congress.

When the surveys used for the first stage of this research were mailed last year, they apparently did not sit well with Democratic Rep. William Clay of Missouri, some of whose constituents were polled. Clay and a handful of colleagues, outraged that the study had been funded by the National Science Foundation, instigated a General Accounting Office inquiry into the work. The GAO demanded that the list of House districts used in the research be revealed, while Clay and his colleagues went even further, asking for the names of the 1,400 informants. Clay and Rep. Louis Stokes (D-Ohio) then went onto the floor of the House and demanded a $174,000 cut in the NSF budget as a reprimand for its funding the CES. (When contacted for this article, Rep. Clay's office refused to comment.) The cut was eventually approved. Asked to explain the response of Clay and his cohorts to his research, Maisel is unequivocal: "They don't want the system that supports them to be changed."

Sentencing Disparities

According to the Bureau of Justice Statistics, if recent incarceration rates remain unchanged, 5 percent of Americans will serve time at some point in their lives. Here in the greatest democracy on earth, how-

Class? Technology and the Changing Role(s) of the Teacher." David C. Paris.

- "Exposure to and Acceptance of Economics Information: Understanding Citizens' Views of the American Economy," Renee M. Smith.
- "Consultant Attitudes Toward the Improvement of Campaign Conduct," James Thurber and Candice J. Nelson.
- "'Potential Politics': The Development of Partisanship Among Contemporary Immigrants in the U.S.," Janelle Wong.

Larry J. Sabato, professor of government and foreign affairs at the University of Virginia, is the co-author with Glenn R. Simpson of *Dirty Little Secrets: The Persistence of Corruption In American Politics.*

- "The Political Implications of Higher Turnout," Raymond E. Wolfinger and Benjamin Highton.
- "Candidate Emergence in U.S. House Elections," L. Sandy Maisel, et al.
- "A Different Perspective on the Causal Role of Partisan Predisposition," Warren Miller.
- "Reformulating the Party Coalitions: A Christian Democratic Party System in the 1990s," John R. Petrocik.
- "Floating Voters in U.S. Presidential Elections, 1948-1996," John Zaller.
- "Modeling Campaign Effects: Does Attack Advertising Depress Turnout?" John G. Geer and Richard R. Lau.
- "The Electoral Effect of Campaign Spending in House Elections," Jeffrey Milyo.
- "Money, Advertising, and Interest Groups: New Evidence from the 1996 Congressional Elections," Ken Goldstein and Paul Freedman.
- "Asian Americans and Immigration: An Exploration of Attitudes and Initiative Vote Patterns," Wendy Tam and Bruce E. Cain.

Michael J. Sandel, author of *Democracy's Discontent: America in Search of a Public Philosophy*, is a professor of government at Harvard University.

- "In Praise of Liberal Nationalism," Samuel H. Beer.
- "Transracial Adoption: Individual Rights and Group Membership," Molly Shanley.
- "Marriage and the Race Question," Randall Kennedy.
- "Beyond the Immanence/Transcendence Divide: Agency, Citizenship, and the Second Sex," Sharon Krause.
- "When Norms Collide, Who Decides?: The Case of Reproductive Health in India," Mary Fainsod Katzenstein.
- "Immigrants and Inter-Ethnic Relations in Four Cities," Michael Jones-Correa.
- "Frederick Douglas and the Idea of National Community," Bernard Boxill.
- "Springfield as Polis: The Politics of 'The Simpsons,'" Paul A. Cantor.
- "What Would A Liberal Communitarian Polity Actually Look Like?" Marc W. Stier.

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ever, it has long been recognized that, when it comes to prison sentences, all men are not created equal. If you're black, for instance, your chance of serving time rises sharply: An estimated 28 percent of blacks will spend time in a federal or state prison. Moreover, blacks, when convicted, typically serve longer sentences than their white counterparts, as do Hispanics.

In an attempt to rectify these disparities, in 1984 Congress passed the Sentencing Guidelines and Policy Statement of the Sentencing Reform Act. The SRA, which went into effect in 1987, states that race, gender, ethnicity, and income should not affect the length of sentences given to criminals. In order to promote uniformity in sentencing and ensure implementation of the SRA, the United States Sentencing Commission in 1987 developed a detailed set of rules outlining how long a person should serve for a particular crime. These guidelines determine a criminal's appropriate sentence by calculating two factors: an offense-level score based on the type of crime involved, and a criminal history score. Between individuals with equivalent scores, judges are prohibited from issuing sentences that vary by the greater of 25 percent or six months. If a case presents highly atypical features, a judge may sentence outside of the specified range, but must provide compelling and specific reasons for doing so. Moreover, an appellate court may review the judge's rationale for departing from USSC guidelines.

A decade later, however, blacks and other minority groups are still not being treated equally under the law, according to work done by David Mustard at the University of Georgia. In the largest study ever of its kind, Mustard examined 77,756 federal offenders sentenced under the SRA. His findings: Both blacks and Hispanics still serve significantly longer sentences than do whites. When the appropriate controls are added for offense level and criminal history, black offenders typically receive a sentence six months longer than their white counterparts, while Hispanics' sentences are typically 14 months longer than whites. Furthermore, blacks and Hispanics are much less likely to receive downward departures—sentences less than what the USSC guidelines indicate—than whites. As this would suggest, you're more likely to be sentenced to zero time, should this be among the judge's options, if you're white than if you're black or Hispanic.

One group that seems to benefit from sentencing bias, however, is women. On the whole, women across the racial spectrum serve sentences six months (13 percent) shorter than men do. It is an ironic effect of paternalism, and one likely to bring smiles to the faces of wayward girls everywhere, that chivalry is still alive and well in the American court system.

Income and education are also shown by Mustard to play a role in sentencing. If you have no high-school diploma, expect close to a month of additional time. If you're college educated, you'll get a break of 1.2 months. If you have an income of $5,000 a year or less, expect to serve 6.8 months longer than criminals who bring in between $25,000 and $35,000 a year. In jurists' defense, Mustard notes that sentencing disparities may stem from the judges' superior knowledge of the particulars of the individual cases. Considering the widespread pattern of disparity, however, a more likely explanation is that the sentencing differences are either the result of education and income discrimination on the part of judges or the fact that wealthier and better educated defendants can take advantage of legal resources the less-fortunate cannot—or, what is most likely, a little of both.

As for the race-based discrepancies, Mustard found that 57 percent of the black-white disparity in sentencing stems from judges departing from the USSC guidelines. The degree of difference is particularly pronounced in sentencing for drug-related offenses: More than 70 percent of the black-white disparity and 82 percent of the Hispanic-white disparity in drug trafficking sentences is the result of judges' departing from sentencing guidelines.

Both the Sentencing Reform Act and the rules of the USSC make it explicitly clear that this kind of inequity is a no-no. Perhaps judges should spend some time familiarizing themselves with the rules they themselves are supposed to follow in order to fulfill their obligation to mete out equal justice under the law.

Ambivalence

In the March '98 *Washington Monthly*, Paul Glastris reviewed a book by Boston University sociologist Alan Wolfe that describes the latent moderate sympathies of the American public. It seems that despite all the partisan rhetoric, people, when given a chance to offer more than a simple yes/no poll response on controversial issues such as welfare, crime, and even abortion, aren't as narrowly liberal or conservative as they present themselves. Now researchers Stephen Craig and Jim Kane at the University of Florida are completing a study indicating that, in fact, when it comes to the morally charged and divisive issue of abortion, there exists greater ambivalence and less polarization in Americans' attitudes than many would

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suppose.

Floridians were asked a series of six questions that present different circumstances under which a woman may be compelled to seek an abortion. These same six questions have been used by the General Social Survey since 1972. The Florida respondents were first asked whether they agreed that a given circumstance justified obtaining an abortion. Though generally more conservative than the GSS respondents nationwide in '94, the Floridians ranked the six differing circumstances in the same order as did respondents to the national survey.

The six questions were then reformulated as statements and the respondents were asked to rate on a scale of one to four both their positive and negative feelings about each, one being the total absence of any positive or negative feeling and four being an extreme emotional response. These numbers were then used to calculate an ambivalency score for each respondent. All told 64 percent of those questioned expressed some level of ambivalence to the six statements. The most conflicted responses came when respondents were asked whether abortion is justified when a mother is "too poor" to raise the child, while respondents were much more definite that rape justifies an abortion.

Most intriguing is the fact that there was no statistical difference in the level of ambivalence expressed by those who identified themselves as pro-life and those who identified themselves as pro-choice. It appears as if, on both sides of the abortion debate, there is a notable situational component that informs attitudes that are often perceived as stemming wholly from an extremist position.

Immigration

Considering the changing face of America, it's little wonder that immigration policy is always a hot topic: Since 1970 the percentage of first-generation immigrants in the United States. has almost doubled, climbing from 4.8 percent to around 10 percent today. From 1990 to 1994 alone, 4.5 million immigrants arrived in this country, and since 1965 the number has approached, maybe surpassed, the number of those who immigrated here between 1880 and 1920.

Numerous studies have been done concerning immigrants' effects on the American economy, culture, etc., but surprisingly little attention has been paid to way these groups interact after they arrive. Now Michael Jones-Correa of Harvard University is filling that gap, focusing his research on the urban context of inter-ethnic strife. More than 93 percent of the foreign-born population in the United States live in cities. Roughly half are concentrated in one of eight urban areas: Los Angeles, New York, Miami, Anaheim, Chicago, Washington D.C., Houston, and San Francisco. These immigrants often settle in poor neighborhoods where they must compete for resources and jobs that support native-born minority populations. There is simply not enough to go around, thus making these melting pot microcosms flash points for ethnic conflicts.

This already volatile situation was profoundly exacerbated, according to Jones-Correa, by the intergovernmental and economic restructurings of the Reagan administration. During the postwar years, and particularly under Johnson, the federal government developed a variety of grants programs for cities that, in essence, bypassed state authority. Ronald Reagan changed all that, devolving the power to allocate aid to the states in the belief that such decentralization would enable regional concerns to be more efficiently addressed. Ironically, the move had exactly the opposite effect at the municipal level. Under Reagan, federal grants to cities fell significantly for the first time: Federal money that once flowed directly to cities was redirected to states. In turn, the states, trying to contend with their own budget shortfalls, chose to keep money from metropolitan areas. Consequently, cities had fewer resources, and thus less flexibility, in dealing with demographic changes than they once did. One of the results of this has been an increase in urban ethnic crises.

Though this decrease in funding was only temporary, the changes in the way funds are allocated, which have continued under Bush and Clinton, emphasizing state authority over cities, have had more permanent effects. Jones-Correa points to the riots which erupted throughout the 1980s and early '90s in Miami, Washington, D.C., New York, and Los Angeles as evidence. One would think that these riots, in which dozens were killed and billions of dollars in property damaged, would have provoked a host of rigorous policy evaluations. According to Jones-Correa, however, "We haven't learned anything since then."

Journalists are among those Jones-Correa holds responsible for the lack of a constructive response to these disturbances. The media, he says, erroneously compared the riots of the 1980s and early '90s to those of the '60s. By presenting them as ideologically driven, in essence dissents over social injustice, journalists obscured the real issues of interethnic conflict at the heart of the riots.

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Military Quacks

It's time to repair the military medical system

BY RUSSELL CAROLLO
AND JEFF NESMITH

LEIGH CLARK, 16, WAS TO UNDERGO A 45-minute laparoscopic procedure to provide physicians with pictures of the inside of her abdomen, where she had complained of sharp pains. But something went wrong and a surgeon's mistake caused her right femoral artery to be severed. Clark was on the verge of bleeding to death when a second surgeon, summoned from his home, saved her life. Loss of blood caused her right leg to wither.

Emily Houck was only a few days old when her mother became concerned about small blisters that had appeared on her head and took her to a clinic. A pediatrician who examined the infant acknowledged later that he suspected a herpes infection. A few days later Emily's temperature rose and she began to lose weight, so her mother took her back. She'll be fine, the mother recalls the doctor telling her. But Emily will never be fine. A herpes infection caused her temperature to rise even more, damaging her brain. Today, a six-year-old, she cannot see, hear, talk, or walk.

Donald McKinley, 67, complained repeatedly to his doctor of chest and shoulder pains, sometimes so severe they kept him awake at night. At the time, McKinley had a medical record that included high blood pressure, diabetes, angina, high cholesterol, an abnormal heart beat, a history of heavy smoking, and a severely occluded aorta. His doctor thought the pains may have come from muscle soreness, even though McKinley could not recall any recent exertion. The doctor prescribed an anti-inflammatory drug. A few weeks later, McKinley's wife found him lying face down in the backyard. He had died of a heart attack.

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Leigh Clark, Emily Houck, and Donald McKinley were not unlike victims of medical accidents and misjudgments that occur every day in hospitals, doctors offices, and clinics throughout America, except in one respect: In all three cases, the doctors involved worked for the U.S. military. That meant the patients were treated in an environment not governed by some of the most significant safeguards that help protect civilians from bad medicine.

None of the doctors was licensed in the state where he practiced, and in the Clark surgery, which took place at Fitzsimmons Army Hospital in Denver, the surgeon had been specifically rejected for a medical license by the Colorado Board of Medical Examiners. The doctors did not have to obtain medical malpractice insurance or to maintain a practice record that enabled them to keep it. They were virtually immune from malpractice suits, because in such claims, the government is the defendant. The doctor who treated McKinley was practicing in Texas with an Alabama medical license, and although he has never been sued in either state, the government has quietly paid claims in three different cases in which he failed to correctly diagnose illnesses and the patients subsequently died.

The pediatrician who would later admit he failed to treat Emily Houck with a toothpaste-sized tube of ointment that might have prevented the brain damage that today confines her to specially-built, $5,000 wheelchair, was licensed by the State of New York, although he was practicing in Georgia. The government paid $4.2 million to settle the malpractice claim brought by Emily's mother. But under Defense Department rules, the incident would not be reported to the National Practitioners Data Bank, a nationwide registry created by Congress in the 1980s to track malpractice in the United States. A civilian doc-

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tor would have automatically been reported.

Because of hundreds of cases like these, even the people in charge of the military health care system now say their system must be reformed if it is to provide the top-notch medical care every recruit is promised for himself and his family.

License to Kill

Though one would assume that the military would ensure that the men and women who serve in this country's armed forces receive the best medical care available, in many ways the system seems to work toward the opposite effect.

Among other things, the licensing process for military doctors is less stringent than for civilian doctors. Understandably, since military physicians are frequently transferred from one installation to another, it would be unworkable to require them to obtain a new license every time they landed in a new state. As a result, military doctors may practice anywhere so long as they hold a valid license from any state. But so broad was this licensing rule that it encompassed even doctors holding "special licenses" from the State of Oklahoma. These licenses do not require physicians to pass the medical exams Oklahoma and other states require for most licenses. Holders of special licenses are not authorized to practice medicine on civilians in the state, but can practice in prisons, on Indian reservations, and in the military, as well as work in laboratories that handle human organs for transplant purposes. One doctor flunked various state exams 30 times between 1973 and 1992 before obtaining a special license that enabled him to become an Air Force doctor. Another military doctor had failed 14 times; yet another had taken licensing exams 18 times, in Louisiana, Arizona, Alabama, Tennessee, and Oklahoma, before obtaining the Oklahoma special. In previous jobs he had delivered pizza, worked in a furniture store, and made sales pitches as a telemarketer. All told, in our reporting for the *Dayton (Ohio) Daily News*, we found that at least 77 Army, Navy, and Air Force physicians (out of the more than 15,000 total) held the special licenses.

But the military licensing policy has broader implications. For civilian doctors, state licenses involve more than simply passing a test and opening an office. State boards can discipline physicians, and data compiled by the Public Citizen Health Research Group contain over 16,000 cases of doctors who have been disciplined for everything from repeated cases of malpractice to murder. However, a military doctor who is licensed in Texas and practicing in Alabama is beyond the reach of the Texas state medical board, which does not have the budget to send investigators to another state. And a physician stationed at a military reservation in one state while holding a license from another state is of little interest to the medical board in the state where he practices.

Military officials also acknowledge that the services routinely fail to report doctors to the National Practitioners Data Bank when malpractice claims are paid. In fact, Army medical care providers were accused of malpractice in more than 900 incidents in 1994 and 1995, and the government paid $66 million to settle malpractice claims, according to computerized records. Yet, it reported only one practitioner to the National Practitioners Data Bank.

Most Americans have never heard of the National Practitioners Data Bank; access to the data it contains is strictly limited to hospitals, state medical boards, HMOs, and government agencies that may need to investigate the background of a job applicant. When Congress created it, members acknowledged that having to pay a malpractice judgment or settlement does not necessarily mean a doctor is incompetent. But repeated claims can signal problems. The data bank is searched 8,000 times a day, and one in nine searches matches a name with a stored report.

When the data bank was created, however, Defense Department lobbyists got military hospitals excluded. Instead, the secretary of defense and the secretary of health and human services have signed a "memorandum of understanding" under which each branch of the services decides if a doctor whose action resulted in a malpractice payment by the government should be reported. In the case of Emily Houck, a committee of Navy physicians met behind closed doors and reviewed whether the treatment Dr. Edner C. Monsanto provided satisfied the "standard of care." The committee concluded that Dr. Monsanto's decisions had been proper and, notwithstanding a $4.2 million settlement, he was not reported to the registry. (In an earlier case involving Dr. Monsanto, a committee concluded that his care had not met prevailing medical standards. That case, in which the government paid slightly less than $2 million to settle the claim, was reported to the data bank.)

Of course, even highly qualified doctors sometimes have trouble providing the best care for military patients, in part because of a lack of systems to track patient records. Doctors are frequently required to see patients they've never seen before and who have been passed from doctor to doctor. Some patients don't

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meet their surgeons until they are in operating rooms or until an operation is over. A perhaps extreme example of how this lack of continuity of care can undercut treatment is the case of Tech. Sgt. Arthur A. Wells, who saw 10 doctors in nearly three years at McChord Air Force Base, just outside Tacoma, Wash. Only five of the 10 doctors reported board certification to the American Medical Association—four in family practice and one in orthopedics. None was a board certified cancer specialist.

That was too bad for Sgt. Wells, who continually complained of stomach pains. His medical records, obtained by his widow, show in part:

Feb. 4, 1992: Doctor notes Wells "has many stressors," including his job as a recruiter, his wife's problems with depression, and their three children. The doctor prescribed 2 tablespoons of Mylanta after meals, along with Tagamet.

June 10, 1992: Doctor notes Wells had picked up an infection from his son, prescribes more fluids and said to avoid dairy products.

Oct. 26, 1992: Doctor says Wells has a sinus problem and prescribes Drixoral, an over-the-counter drug.

March 17, 1993: Doctor gives Wells a physical.

March 22, 1993: Lungs and chest checked; doctor prescribes more Mylanta.

Oct. 28, 1993: "Acute sinusitis"; Two antibiotics and a decongestant.

March 8, 1994: A physical exam.

April 18, 1994: Doctor notes that stomach pain came after meals with spices and coffee. "The treatment: decrease the coffee," the doctor wrote.

April 24, 1994: Diagnosis: heartburn.

In January 1995, Wells received a CAT scan at an Army hospital. The scan found four tumors in his abdomen, some the size of a grapefruit. By then, the tumors had spread beyond hope.

Wells died in June 1995, of cancer. "He loved the Air Force," says his wife.

Under-Covered

After the *Dayton Daily News* published a seven-part series on problems in military medicine last October, officials of the Defense Department Office of Health Affairs appeared before congressional committees and veterans' groups and acknowledged that problems had developed in the 115 hospitals and medical centers and 471 clinics that make up the Military Health Services System. Dr. Edward D. Martin, then the acting assistant secretary of defense for health affairs, appeared before a coalition of military advocacy groups, including the Veterans of Foreign Wars, the Military Family Association, and others, and vowed to correct problems the paper had described. He insisted that problems in military medicine were not dissimilar to the private system but went on to say that this did not relieve the services of correcting the problems. "These are real problems and these are real people," Dr. Martin said.

Among other things, the military is moving to end the practice of allowing its physicians to operate with the special licenses from Oklahoma. Physicians already holding such licenses are being assigned to jobs in which they do not treat patients. But just how successful the overall reform effort will be remains to be seen. For example, after the *Daily News* disclosed that hundreds of paid malpractice claims had not resulted in reports to the data bank—and that 75 military hospitals and clinics that had been targets of more than 1,000 malpractice suits had never reported a doctor—the Office of Health Affairs conducted its own investigation. Among other things, officials subsequently disclosed to a congressional subcommittee that the Army had a backlog of more than 800 cases in which the secret review committees had never met. In testimony before the House Appropriations Subcommittee on National Security in February, Dr. Martin said he was instituting a system in which civilian doctors would review the conduct of military physicians in cases of alleged malpractice. "We are going to open up the system," he vowed. "There's going to be a lot of sunlight shined on it. A lot of things that used to be kept secret are no longer going to be secret."

New openness rules notwithstanding, the full degree of medical malpractice in the military will never be known because a large portion of the system's patients cannot bring court actions in which incidents are made public. The largest group consists of active duty members of the Army, Navy, Air Force, or Coast Guard. They are barred by a 1946 Supreme Court ruling known as the Feres Doctrine from suing the government for any harm that befalls them as a result of actions that are deemed "incident to service."

The controversial ruling has been interpreted to apply to any medical care provided to an active duty troop by a military hospital or clinic. Although a bill to overturn the Feres Doctrine has passed the House of Representatives three times, it has never passed the Senate. And despite a scathing dissent by Justice Antonin Scalia, the Supreme Court has refused to review the decision. An Air Force sergeant whose hand was mistakenly amputated when he went to a

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clinic after being bitten by a dog, an Army sprinter who was training for an Olympics tryout when a series of operating room foul-ups left him crippled, a Marine Corps corporal who complained of stomach pains for over a year before Navy surgeons realized they had left a sponge and a felt-tip marker in her abdomen, an Army SPC who died of an overdose of lidocaine following treatment for a bee sting, an Air Force sergeant who lost her ovaries and a fallopian tube because of an operating room error—the list of Feres-barred cases that have come to light, but will never come to court, seems almost endless.

In addition, a law called the Military Claims Act provides that when civilian dependents of active duty personnel are the victims of malpractice while living overseas, they have no access to the courts. They may file a claim with the branch of the service responsible for the alleged malpractice, but if the claim is denied or the claimant is not satisfied with an award, there is no right to appeal to federal courts. At the hearings last fall, Rep. David Hobson (R-Ohio), argued that the Military Claims Act unfairly denied a particular class of American citizens the right to appeal to the courts. "I really have a problem with that," Hobson said. "I think they ought to have the same remedies as people over here. Do you think the code should be amended?" Dr. Martin, flanked by the surgeons general of the Army, Navy and Air Force, replied: "On the family issue, not being lawyers, we believe our dependents ought to be treated the same way when they are living overseas as when they live here." Responded Hobson: "I probably will be doing something about this."

Later, Hobson quietly dropped his plans to introduce a bill changing the Military Claims Act. When asked why, he said Justice Department lawyers had talked him out of it.

Compounding the problem, the military is facing systemic stresses that may make reform even more difficult. Strapped for cash by congressional "deficit neutrality" dictates and slammed by downsizing and hospital closings, the military medical system faces a growing population of increasingly unhappy civilian beneficiaries. It also finds itself caught between ever-changing and often contradictory priorities. Officially, the primary purposes of the military medical system are to provide medical care for active duty troops and prepare military doctors to provide battlefield medical care. Yet the most common medical procedure performed at any military hospital is delivering babies. The second most common is the related care of healthy newborns. "It [shortcomings in military medicine] is an institutional problem that I don't think they can correct," says Walter Boyaki, an El Paso lawyer and one of a growing group of lawyers who specialize in medical malpractice suits against the military. "Patients are by statute entitled to free medical care, so they are treated like welfare patients. Then you overlay on that a military system that protects its own."

Overlay on that overlay a growing move among military retirees to get out of the medical care system, and the prospects for reform become even dimmer. Recent votes in Congress may have opened a valve through which the military system could bleed to death in a few years. Unhappy with the Civilian Health and Medical Plan for the Uniform Services and its successor, TRICARE, military organizations have been lobbying for permission to opt out of the system and into the Federal Employee Health Benefits Plan, or FEHBP, the medical insurance plan for civil service employees and retirees. (See the *Monthly*'s April 1998 issue for details on FEHBP.) Such a change, in which retirees would have the option of buying FEHBP coverage with the Defense Department paying 72 percent of the premiums has been vigorously opposed by the department. Currently, the DoD drops retirees from its population of beneficiaries as soon as they turn 65, leaving them to Medicare. Paying FEHBP premiums for this group alone would be a major additional expenditure—$1 billion a year according to estimates by the Congressional Budget Office. Gary Christopherson, who a few months ago succeeded Dr. Martin as acting head of health affairs, recently told a House subcommittee that such a development could lead to a slippery slope that could destroy the military medical system. In order to come up with the $1 billion and comply with the deficit neutrality mandate, Christopherson explained, the department would have to close more hospitals and cut more services. This could motivate still more civilian beneficiaries to press for the FEHBP option, necessitating further cutbacks, and so on, he warned.

Notwithstanding such warnings, the House, in one of its last actions before recessing for the Memorial Day weekend, voted to extend the FEHBP option to a demonstration group of up to 70,000 Medicare-eligible retirees. The retirees could use the FEHBP coverage to supplement their Medicare benefits. Only one member of the House voted against the bill. A similar, less extensive bill has passed the Senate.

But unless direct steps are taken to correct some of the flaws in the military medical system, we'll continue to see far too many cases like that of Navy Lt.

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Bryce Campbell. In 1996, Lt. Campbell underwent a brain catheter procedure at Walter Reed Army Medical Center to determine if a malformation that seemed to be causing him sleep disorders and other problems could be corrected. After several hours in surgery, Lt. Campbell was wheeled back to his room and his wife, Marla, a nurse, was told simply that the procedure had not been successful. "He was whimpering and moaning in pain and saying to me that he was seeing lightning bolts and streaks," she recalls. Later, Marla was told her husband would be transferred to George Washington University Medical Center where Dr. William O. Bank, an internationally known neuro-radiologist, would attempt to correct the vein malformation. As he prepared for the procedure, Dr. Bank told the Campbells that because of

Who's Who

By Susan Threadgill

Although the Clinton administration has at times—take the case of its attempts to fill the job of attorney general—seemed almost embarrassingly eager to place women in top jobs, its dedication has been less evident in selecting members of the White House staff. **Sylvia Mathews**, who is going from the White House to the OMB, recently hinted at the problem in a memo she wrote on the "advantages" of working at the White House. Number four was "Never a waiting line at the women's bathroom."

Because California is a community property state, such luminaries of the Murdoch media empire as **Fred Barnes**, **William Kristol**, and **John Podhoretz** are said to be just a tad nervous about the turmoil the division of assets **Anna Murdoch**'s divorce might bring to the Fox TV network, *The New York Post*, the *Weekly Standard*, and the many other organizations her husband, **Rupert**, controls. They are not comforted by the disturbing precedent offered by the divorce of **Gloria** and **Herbert Haft** that led to the dissolution of that family's financial empire. Their anxieties may be relieved, however, by the news that the lawyer Mrs. Murdoch has hired to represent her, **Daniel Jaffe**, is described as "not a gung-ho litigator" and has, according to *The Washington Post*'s **Paul Farhi**, "a reputation for settling his cases out of the public eye."

How do the star Watergate reporters think **Clinton**'s troubles compare with the scandal that made them famous? **Bob Woodward** says it's "not something of that magnitude." **Bernstein** adds, "It's as if you have a kind of Nuremberg prosecution for war crimes and you end up with a kind of jaywalking offense."

During **Anita Hill**'s testimony in the hearings on **Clarence Thomas**' nomination to the Supreme Court, **Richard Nixon** told his biographer, **Monica Crowley**: "If I were [**George**] **Bush** and Thomas is defeated and I needed to choose another nominee, I'd stick it to all of them and go for a white woman reactionary card-carrying right-to-lifer! That would drive them crazy!" This is, of course, exactly what Nixon did when the Senate rejected **Clement Haynesworth** in 1970. He immediately named **G. Harrold Carswell** to the court. Carswell was, to put it as gently as possible, not one of the great legal minds of his era.

If you've wondered who is the source of those leaks from **Ken Starr**'s office to such Starr favorites as ABC's **Jackie Judd**, *Newsweek*'s **Michael Isikoff**, and *The Washington Post*'s **Susan Schmidt**, and **Jeff Gerth** and **Stephen Labaton** of *The New York Times*, the consensus seems to be that it was Starr's deputy **Jackie Bennett Jr.**, and that he was not acting without his boss's knowledge.

The Republicans get more than four times as much campaign money from the tobacco industry as the Democrats. They also got about four times as many trips on corporate jets controlled by the tobacco people—84 to at most 23 in one recent period. Among the beneficiaries: **Dick Armey**, **Tom DeLay**, and **Trent Lott**, who appears to have been treated to 12 of the flights. This is made legal under our somewhat less than stringent election laws by the politician's payment of the equivalent of a first class fare on a regularly scheduled commercial plane. For that he gets a corporate jet all to himself to fly wherever he

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"the problem at Walter Reed," he would be forced to try to insert a catheter into Bryce's brain by way of the left carotid artery, rather than the right—the side where the malformation was located. "Bryce and I looked at each other and said, 'The problem? What problem?'" says Marla. It fell to Dr. Bank to inform them that during the procedure at Walter Reed, the left carotid artery, one of the two main avenues of blood to the brain, had been torn and had healed in a way that left it 95 percent occluded. Dr. Bank, a former Navy flight surgeon, declined to comment on the case, saying he did not know what was involved in the Walter Reed procedure. But he notes: "There are two kinds of doctors in the military. They're either fabulous, wonderful doctors, or they're spectacularly incompetent."

wants whenever he wants. Does he get frequent flyer miles?

Nina Burleigh, who recently confessed that her interest in **Bill Clinton** had reached a point where "I had been quite willing to let myself be ravished ... should he have but asked," has a book coming out this fall. We are, of course, not so cynical as to suspect the confession had any relation to the book, but it is true that the book deals with a president's sex life. Must reading for all of us who love to dish dirt, it is about **John Kennedy**'s last mistress, the late **Mary Meyer**, who was the sister-in-law of **Ben Bradlee** and the former wife of CIA insider **Cord Meyer**. It reveals at least one similarity in the way Clinton and Kennedy handled these matters. On the first night of the romance, Kennedy got Meyer into the White House this way: "That night, October 3, at 7:40 p.m., according to the gate log, 'Mary Meyers' had an appointment with **Evelyn Lincoln**, the president's personal secretary, and was authorized by Lincoln to enter the White House."

You've heard about the tie that **Monica Lewinsky** gave **Bill Clinton**. But did you know she also presented one to **Vernon Jordan**?

Speaking of **Ken Starr**, **Timothy Noah**, before his untimely departure from *U.S. News & World Report* in the wake of the **James Fallows** firing, told the readers of his "Whispers" column about the details of a Starr subpoena—the one to Kramerbooks for documentation about **Monica Lewinsky**'s

ART BY ROMAN GENN

possible gift books for **Bill Clinton**. Here are excepts from the subpoena's two-page definition of documents: "summaries or records of personal conversations, meetings, or interviews, logs, summaries or records of telephone conversations and/or telefax communications, diaries, forecasts, statistical statements ... voicemail recordings, and all other written, printed or recorded or photographic matter or sound reproductions, however produced or reproduced." All this from a bookstore from which Lewinsky may have bought a book or two.

The next time the Postal Service asks for another rate increase someone should inquire as to whether the agency's cost control procedures are all that they might be. An Atlanta postmaster spent $45,000 of Postal Service money on his swearing in ceremony. Did Postmaster General **Marvin Runyon** crack down? No, he decided to spend $82,500 on his own farewell parties, one of which, according to *The Washington Post*'s **Bill McAllister**, "featured a band, cocktails, and dinner with two entrees and wine."

Just in case **Hillary Clinton** ever loses patience with the leader of the free world and does something the law might frown on, we have the lawyer to defend her. He's **Blair Howard**, a Virginia attorney who specializes in defending damsels in legal distress. He got **Susan Cummings** off with 60 days for shooting and killing her man and **Lorena Bobbitt** off completely for surgically removing the penis of hers.

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Reinvention Lite

Al Gore still has a long way to go

By Robert Worth

On April 30, 1998, a woman named Maureen O'Dwyer testified before the Senate Finance Committee along with six other current and former Internal Revenue Service employees. The press, weary after months of blockbuster hearings on abused taxpayers, didn't pay much attention. After all, the House and Senate were already writing legislation to make the IRS more user-friendly. But Maureen's story wasn't the usual tale of rude or threatening auditors. Instead, she told how her manager had ignored one company's $24 million tax debt because he wanted to close the case quickly so as to collect a $2,000 productivity bonus. Other witnesses told similar stories of IRS auditors who "zeroed out" multimillion-dollar tax bills because they didn't want to spend the time, or to curry favor with corporations that might offer them jobs. In short, the hearings showed that the IRS wasn't just suffering from rudeness. It had lost track of its most basic mission as an agency, it had failed to monitor the performance of its agents, and it was retaining plenty of people who should have been fired long before.

The IRS wasn't alone. In July, the Clinton administration declared confidently that our nation's nursing homes were in fine shape; only 1 percent suffered any serious health or safety problems. Then the General Accounting Office released the results of an investigation charging that one in three nursing homes in California—a state with a better enforcement reputation than most—suffered from "serious or life-threatening problems." The GAO described hallways that reek of urine and feces, and aging patients lying neglected on their beds, half dead from hunger and thirst, their bedsores festering until they become gaping, infected wounds. One woman described how her mother was both beaten and neglected for years, and that she "always seemed to be begging for food or water" in the three nursing homes where she stayed until she died suspiciously earlier this year.

What have Al Gore and his team of "reinventing government" experts done about problems like these? "We have expanded and improved service hours and phone support" at the IRS, declared Gore proudly in late July, along with a few other measures "focused on improving customer service." Magnify those comments across the federal government and you'll see far too much of what Gore has achieved since Clinton handed him the task of reinvention in early 1993. To be sure, making government a little nicer and more accessible to the average citizen is a desirable reform. And there's no doubt that some of Gore's other changes will save time and money. He's updated the government's information technology, improved its procurement policies, and trimmed some unnecessary regulations. He's also taken a thick slice out of the federal workforce—351,000 at last count since he started in 1993.

What Gore doesn't seem to understand is that these changes, while laudable, don't get to the root of America's shrunken faith in government. Serious reform starts with taking a fresh look at what government agencies should be doing in the first place, then asking how well they're doing it and who they need for the job. The IRS reform bill, which Clinton recently signed, is a step in the right direction. But improving "customer service"—the heart of the bill—won't change the fact that the agency is still failing at its central duty: An estimated $195 billion in taxes go uncollected every year. Nor has Gore addressed the fact that many of the problems at the IRS—and throughout the federal bureaucracy—stem from its inability to fire corrupt and incompetent employees. Tackling this personnel problem should be at the heart of reinvention, but so far Gore's team has been content to simply let the gov-

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ernment get smaller by offering workers a chunk of cash to leave early, regardless of whether they're truants or geniuses. As a result, according to the government observers and federal managers I spoke with, too many of the best people left, and too many bench-warmers stuck around. The government got smaller without getting any smarter. Finally, the nursing-home scandals point to a third major area for reform: performance. Reinvention won't get very far until the government starts not only re-examining its mission, but paying more attention to how it's being carried out—in this case, by keeping closer tabs on the federal and state regulators who enforce its laws.

Overhauling the government's mission, performance, and personnel is no easy task. But if you don't want to see your parents starving to death in a nursing home or lose your life savings to a corrupt IRS auditor, you should give a damn about the fact that Gore doesn't seem to be taking it on.

Mission Improbable

Reinvention is not for the fainthearted. Anyone who wants to take a fresh look at the mission of any particular agency has to be willing to dead-lift the federal bureaucracy and the unions that support it, as well as a staggering array of special interest groups that profit from keeping the system in its present state, and the congressmen who depend on those groups for money and political support.

Let's start with the bureaucracy. Remember the Rural Electrification Administration? As you may recall from high school, the REA was one of the nobler examples of government's power to help people back in the 1930s, when FDR charged it with providing electricity (and later, phone service) to rural Americans. Five decades later, that worthy goal had been achieved, but the program lumbered on, subsidizing companies that provided power to resorts like Hilton Head, Aspen, and Vail, and making loans to enormous telephone holding companies. Why? Because the REA's bureaucracy had become a self-justifying enterprise, and no one stopped to think about its original mission. The REA may be a particularly flagrant case of unnecessary bureaucracy, but the same tendency plagues agencies that do—or rather, should—have an important mission to carry out. For decades, Forest Service officials who want to put a higher priority on maintaining forest health have found themselves under attack from within the agency, because blindly cutting more timber meant bigger budgets and more jobs.

Reformers at these agencies also found themselves under attack from the outside. As the REA drifted into corporate welfare, the power and phone companies it subsidized saw what a good gig they had, and began lobbying their congressmen and donating PAC money to make sure they didn't lose their windfall from Uncle Sam. The congressmen, grateful and eager to keep the campaign cash flowing, mastered the REA's arcane regulations and became its expert defenders. The same thing happens at the Forest Service: Congressmen who are dependent on the timber industry for PAC money and political support put pressure on the agency to keep cutting timber, no matter how much that may conflict with the higher public good of maintaining healthy forests.

Of course, not all civil servants want to go along with this corrupt cycle, even if they stand to benefit. But those who don't, recognizing that congressional and bureaucratic inertia, the unions, and public ignorance are all working against them, don't usually bother to raise a stir. Instead, they stay quiet, hoping that no one will notice the small improvements they've made. Their only other option, after all, is to turn to the press, in the hopes of igniting some public outrage. And that seldom works, because far too often editors prefer to devote their political coverage to juicier and higher-profile stories like Clinton's latest vacation or Monica Lewinsky's dress. So no one hears the cry, and nothing changes.

If the press would peer into the darkness of the executive branch and dramatize its unsung heroes on a regular basis, reform might not be so rare. If you doubt that such heroes exist, consider the amazing story of one federal agency that turned itself around in record time, without any help from Al Gore. Just over five years ago the Federal Emergency Management Agency (FEMA), which is responsible for organizing and assisting in relief efforts to victims of earthquakes, fires, floods, and other natural or unnatural disasters, was widely considered the worst of all federal agencies. Sen. Ernest Hollings dubbed it "the sorriest bunch of jackasses I've ever seen in my life" when it bungled relief efforts after Hurricane Hugo in 1989. When the California earthquake hit later that year, FEMA's medical coordinator left for vacation the next day—because he had bought nonrefundable tickets. The agency's incompetence was legendary, and its effects on helpless disaster victims could not have been clearer. By the time James Lee Witt became the agency's new director in 1993, many disaster specialists considered it beyond hope, and Rep. Pete Stark of California had introduced a bill to

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abolish it.

Five years later, nearly all of FEMA's former critics hail it as a first-rate agency. In 16 recent surveys of disaster victims, more than 80 percent of respondents approved of the way the agency was doing its job. "Simply put, there is a tremendous difference in FEMA today," said Florida's director of emergency management last year. What happened?

John Kamensky, the deputy director of Gore's reinvention team, says it was James Lee Witt's leadership that did the trick. That's certainly part of it; choosing the right people to run an agency is the first step to making it work. Amazing as it sounds, James Lee Witt was the first FEMA director with real experience in disaster management—he had served as Arkansas' state emergency management director. Clinton hasn't always made his appointments so well. Think, for instance, of the perk-loving Mike Espy, the globe-trotting Hazel O'Leary, and Federico "Valujet is safe" Pena. If Gore is smart, he'll recognize that competence is what matters when you're delegating authority, not loyalty to friends and campaign donors or filling ethnic and gender quotas.

But Witt's personal leadership isn't the whole story. Here's how Witt describes what he did: "It is absolutely critical that you look ... at your role and mission, and redefine that role and mission to what you feel is important for that agency to be responsible for." Specifically, Witt saw that the agency's ability to respond to natural disasters like Hurricane Andrew was hampered by its prior commitment to spending half its budget on preparations for a massive nuclear attack. When it did get around to disasters, the agency's priorities were still seriously misguided. It was set up to provide federal loans and grants to disaster areas, and it could not deliver or even prepare emergency aid until a state governor requested it.

Once Witt clarified the agency's goals by moving it out of the nuclear war business and into natural disasters, he conducted a top-to-bottom review of the agency's personnel and resources. Here Witt benefited from FEMA's relatively high proportion of political appointees, which allowed him to replace a lot of the incompetents with experienced professionals. He wrote a strategic plan to bring the agency into line with its mission, and he was careful to include his managers: "It made them feel part of the reorganization, rather than like someone cramming it down their throats." He did the same thing in Congress, meeting with all the chairs of the 20 congressional committees that had an interest in the agency.

Lab Tests

What have Gore and his team done to encourage other agencies to follow FEMA's example? Essentially, they've done what idealistic government workers have so often done in the past: kept their heads down and hoped that no one would notice their good deeds. Instead of challenging the system out in the open, Gore's team has tried to encourage individual programs and offices scattered throughout the government to do so by designating them "reinvention labs," and inviting them to find less burdensome and more effective ways of doing their work. The lab strategy, which grew out of a 1980s Defense Department experiment, "has been consciously structured to avoid hierarchy," says Elaine Kamarck, who directed Gore's reinvention effort from its inception until last year. The idea is to wage guerilla warfare out in the rice paddies, with the hope that a thousand small victories against the bureaucracy will eventually bring it crashing to the ground. And it must be said, there are some fascinating and inspiring stories coming out of the labs. "It's really the front line of reinvention," says Don Kettl, the director of the Brookings Institution's Center for Public Management and the dean of reinvention scholars.

Consider, for instance, the New York office of the Veterans Benefits Administration (VBA), which was the first reinvention lab to win one of Gore's "Hammer" awards for success at reinvention in March 1994, and has since won two more. When Joe Thompson became director of the New York regional office in 1990 he was already determined to reform the way benefits and pensions were handled. It's not hard to see why. When a veteran called to ask about his claim, he spoke to a counselor in the Veterans Services Division. But claims were handled by the Adjudication Division, which, in the New York office, was three floors above. So the counselor would have to walk up, get the file, and then struggle to make sense of it, since he or she generally hadn't seen it before. When the veteran called again, he would often get a different counselor, who would go through the process all over again. The office employed 18 full-time "searchers" whose sole job was looking for lost folders. When the claim was finally processed, it passed from one examiner to the next, each of them performing just one of 26 separate steps. (Claims letters would go from a mail clerk to a correspondence clerk to a development clerk and finally to a claims examiner before any real work was even started on it.) This mindless slow-dance, which was standard prac-

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tice in all of the VBA's 60 regional offices, "frequently infuriated our customers and sucked the life out of our employees," says Thompson.

So he decided to change it. Like James Lee Witt, Thompson started by rethinking the mission of his organization. "He always had one thing in mind," one manager told me, "what's best for the veteran. No one else had focused in like that." He conducted surveys of veterans, and their answers helped to point the way. Starting in 1992, Thompson merged the jobs of counselor and adjudicator into a single job, case manager. Each veteran's claim was now handled from start to finish by one person. He also radically reorganized the office hierarchy and made a variety of administrative changes. The results are clear: The claims process now works faster and much more efficiently. Five years ago veterans who showed up in person might have to wait hours; now no one waits more than a few minutes. The phone system, which was virtually impenetrable just a few years ago, is now a model of efficiency. Surveys show that veterans are much happier with the new system on all counts, and every employee I spoke with seemed proud to have been part of it. Like FEMA, the New York VBA office is a case study in successful reinvention: They had the right man, they rethought their mission, and they focused on improving their performance.

PHOTO COURTESY OF IAN SHAPIRA

"Modeling the office of the future": The headquarters of Al Gore's National Partnership for Reinventing Government.

But the higher-ups at VA headquarters in D.C. didn't like Thompson's reforms at all, and he told me he had to fight "many battles" to preserve them. This has been true elsewhere, too: In its one major report on the labs, published in March 1996, the General Accounting Office quoted lab managers who had met with "staggering resistance" and even "payback" from managers who felt their authority was being usurped. The only real weapon the labs possess against bureaucratic inertia is the regulatory waiver, which frees them (temporarily) from agency rules so that they can try to find more efficient ways of doing business. The GAO found that 60 percent of the labs had not even sought waivers from regulations, and that 50 percent of those who tried reported trouble getting them. A report to Congress on the Veterans Administration last year declared that "many key officials do not believe they have the power to achieve change. One aspect of this is fear of offending powerful political interests."

These interests exist in every agency, because upper-level bureaucrats know that real change could mean the end of their job. At last year's IRS hearings, one agent described how she had been rewarded for challenging her office's corrupt business practices: She was sent on armed raids in Tennessee, even though she was 60 years old, and she was the only one not issued a flak jacket. Another agent voiced her concerns about harassment in her office to her congressman, and when her IRS superiors found out about it they went to the congressman themselves—not to reassure him but because they hoped to find information that would help them fire her.

Fighting back against this kind of deeply rooted resistance requires strong support from the top, and thus far Gore has not supplied it. "Every year the NPR [the National Partnership for Reinventing Government] hosts a conference called the Reinvention Roundtable, and the number one plea from managers who come to these things is: Get your own political appointees on board," says David Osborne, co-author of *Reinventing Government* and one of the authors of the initial Gore Report in 1993. A recent study by the Merit Systems Protection Board confirms Osborne's impression: "Government-wide, only 37 percent of our respondents said their organization had made NPR goals an important priority." Even where the labs have had their greatest successes, change has been slow and piecemeal. Although Joe Thompson has been promoted to permanent undersecretary for benefits at the Veterans Administration national headquarters in Washington, and he is trying to implement his reforms in the rest of the Veterans

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Benefits Administration's 60 regional offices, he hasn't yet succeeded. Nationally, the VBA is still using the same assembly-line system Thompson worked so hard to dismantle. "The organizational structure ... has remained basically unchanged since the end of World War II," said an internal agency report issued last year.

In fact, Gore often appears to have descended on the labs with a "Hammer" award—his token of a successful reinvention—and forgotten all about them. Consider, for instance, the fate of just one exemplary reform at the Department of Agriculture, where a group of claims officers focused on what happens when a truck owned by the USDA backs up and crushes somebody's new Nissan like a bug. It may sound like an outlandish question if you live in Manhattan, but the claims officers say it happens all the time. What would you do if it were your car? Well, you'd file what's called a "tort claim." The local claims officers would review the case, and then send it on to the regional general counsel's office, which would conduct its own separate review. If the general counsel concurred with the regional office's judgment, the claim would then proceed to the regional treasury office, which would conduct its own review. Finally, you'd receive a check, if you hadn't already been arrested for taking violent revenge on government property. Debbie Redpath, a claims officer at the USDA's Minnesota Animal and Plant Health Inspection Service (APHIS) office, told me that it often used to take eight months for claims to go through. "These were often people who were living hand to mouth," she adds, "and the process put them out of pocket for repairs."

So Debbie and her fellow claims officers decided to change things. They pointed out that the general counsel and Treasury agreed with their own initial judgments on the claims 98 to 99 percent of the time. So they applied for authority to adjudicate claims of $2,500 or less (which constituted 76 percent of their caseload last year) by themselves. "Now we can get a claim in the morning and put a check in the mail by afternoon." In short, Debbie and her fellow claims officers are proof that the government can't do its job without smart, imaginative workers at the front lines as well as at the top.

But what about the follow-up? Shouldn't Gore's reinventors be spreading the word and working hard to make sure that the APHIS reforms get applied throughout the government? "You would think they would," Debbie Redpath told me, "but I don't know if we've received any inquiries." She thought about it a minute, and said yes—someone from the Forest Service claims division had called. She gave me the name. I called the Forest Service officer, who told me she had read about Debbie and APHIS in a magazine (not one of Gore's publications). She said the Forest Service claims adjudication procedure is even more complex than the old one at APHIS. She'd like to change it, she said, especially because she works in a reinvention lab too. But she has not gotten anywhere so far.

"Every year, the NPR hosts a conference called the reinvention roundtable, and the number one plea from managers who come to these things is: Get your own people on board," says David Osborne, co-author of *Reinventing Government*.

Like the rest of the government, workers such as Debbie Redpath are swimming against the current of a bureaucratic culture that strongly discourages innovation. Until that changes, the "guerilla warfare" principle behind the labs isn't likely to succeed. In its 1996 report on the reinvention labs, the General Accounting Office concluded that their value "will only be realized when lab efforts proven to be effective spread beyond the lab sites." So far, there's little evidence that this is happening.

The Personnel Touch

And it isn't likely to happen until Gore starts finding ways to bring gifted people into all levels of government—people like James Lee Witt at the top of the agency, Joe Thompson in the regional offices, and Debbie Redpath on the front lines. As Sen. John Glenn put it during a hearing on reinvention efforts in 1992, "We can give them some organizational tools, and we can give them all the studies and pilot projects you want, but until we get some really good people in here, we aren't going to solve this problem."

What's really tragic about Gore's failure to make any headway on this front is that the need for better workers has never been greater, and the press—bored

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with Gore's jargon-rich presentations and hung up on Monicagate—has utterly ignored it. Think about it: There are now more people on the verge of retirement in the government than ever before, and the quality of new hires is still going downhill. "When we asked supervisors to tell us to what extent the quality of applicants had worsened or improved in the past three years," concluded a 1998 study by the Merit Systems Protection Board, "we found that their assessment of applicant quality had fallen for just about every type of job category." As Seth Grossman points out in this issue, some agencies can't even answer phone calls from prospective applicants. And the failings of the current workforce have become legendary. One Defense Department official failed to show up for work for seven straight months, and successfully challenged an effort to fire him on the grounds that his boss made him nervous and gave him a "stress disorder." Another federal worker, fired for truancy, kept his case bouncing from one appeal to another for over *12 years*. As one VA official told me, his union is "a refuge where you can go if you don't want to do any work. It's a black hole." For the most part, supervisors don't even try to fire incompetent or lazy employees. Under these circumstances, having a lot of political appointees who can be replaced at will, as James Lee Witt did at FEMA, is a distinct advantage.

But incompetence and stubborn unions aren't the only problems. One former government official told me he used to work alongside three men who spent two-thirds of their time communicating with each other. "What seemed to make sense was to combine their work into one job," he added. Clearly, Gore needs to start doing what Joe Thompson did at the New York VBA office: looking at the work that needs to be done and consolidating jobs. So far, however, Gore's cutbacks in the federal workforce have not taken such inefficiencies into account. "Some of my best people have left," one manager at Joe Thompson's former office in New York told me. Meanwhile, his claims division is seriously overworked. And he still can't fire his problem employees.

One way to tackle what the government tactfully calls its "poor performer" problem would be to hire a substantial number, perhaps half, of all new people on a limited term basis—say two-and-a-half or five years. These contracts could be renewed at the end of the term, but they could also be dropped painlessly without the current interminable appeals process. That would limber up the workforce and get rid of some of the deadwood. Retaining tenure for some employees would prevent the government from becoming so transient that it had no institutional memory. In a way, it's odd that this solution (which this magazine has long advocated) shouldn't have occurred to Gore before, since his sister Nancy worked in the one government office that has used limited-term appointments: the Peace Corps. It's been successful there, and it's also been a central part of the wholesale public sector reforms in New Zealand, which are widely acknowledged to have improved government performance, and which were part of the basis for Gore's reforms in 1993. The Defense Department is about to launch an experimental program along the same lines, hiring a substantial number of new employees under one- and five-year contracts instead of labeling them "permanent" from the start. If Gore wants reinvention to last, he'll encourage other agencies to follow suit.

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Embracing reforms like these isn't easy, and it would take a big bite out of the union campaign donations Gore is counting on in the 2000 election. But the benefits could mean a lot more to the rest of us than anything he's done so far. Cutting costs and trimming regulations are fine things, but the difference between good government workers and inept ones is the difference between life and death. This past July an air traffic controller who had twice tested positive for drugs was reinstated by the Federal Labor Relations Authority, and she wasn't even told to go into rehab. Think about that the next time you fasten your seat belt, and ask yourself whether reinventing government is really so dull after all. ●

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Cheap Tricks

When employers cheat on their workers comp insurance, everybody pays

By Rebekah Young

In May of 1992, Christi Norton was 17 years old and excited to be working at her first job ever. Although it was hot, dirty, and sometimes dangerous work on the dairy farm she was employed at in rural Modesto, Calif., she cheerfully helped out the rest of the farm hands with anything that needed to be done. It was in May of 1992 that the accident happened. It was a freak accident that didn't seem too serious at first. Norton was knocked in the chest by a steer which bruised her lungs and was airlifted to the local hospital. But two weeks later, one of her bruised lungs collapsed, cutting off oxygen to her brain. Those precious few minutes in which her brain was starved of oxygen left her in a vegetative state—a state she will remain in for the rest of her life. "The medical term is anoxic. Severe anoxic and encepholopathy with spasdic quadriplegia and severe cognitive deficit," says her mother, Sherri Atkins. "In real life, it means that ... she has no awareness, no movement on her own. She's totally incapacitated."

After the accident, Sherri Atkins and her husband, Allen, were consumed with taking care of their daughter, which quickly became a 24-hour job. But in addition to taking a crash course in health care, they also got a harsh lesson in workers compensation insurance. Because although Christi's employer, contractor Michael Bennett, was required by state law to carry workers comp insurance policies for his employees, he had neglected to purchase any insurance policies.

Officially, what Bennett did is called premium fraud. It can involve employers who buy no workers comp insurance policies and, therefore, pay no workers comp insurance premiums at all, or it can involve employers who buy policies but lower the cost of their premiums in fraudulent ways. Prosecutors and insurance fraud specialists say that this is the next big thing in workers comp fraud.

When you think of workers comp scams, you probably think of what we've all seen thanks to the hidden cameras of insurance company investigators and newsmagazines—malingering employees who continue to collect checks for sprained backs that healed months or even years ago. We've all seen the footage of men and women, supposedly out on medical leave, as they play golf or work at another job, usually one that requires heavy lifting. This is called claimant fraud. Or you may think of the doctors who, for a cut of the workers comp claim settlement, will conduct only cursory medical exams of the malingering employees. These doctors will then say that the employees need to receive medical care (and benefit checks) for far longer than is necessary. This is called provider fraud. Both claimant fraud and provider fraud helped inflate the cost of workers comp insurance premiums in the late 1980s and early 1990s, says insurance fraud expert Dennis Jay.

These expanded costs helped trigger the new wave of premium fraud. "The damage one employer can do is much bigger than what one claimant can do," says Don Elisburg of the National Council on Compensation Insurance. "The stuff that has sex appeal, the visuals, is the fraud done by claimants. But the big dollars come from the fraud done on the employer's end."

Few states have quantified how much they lose every year to premium fraud, but the Los Angeles County district attorney's office, which has recently made prosecuting these kinds of fraud cases a priority, estimates that California residents lose about $240 million every year to premium fraud. Los Angeles Deputy District Attorney Barry Gale, now assigned to

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prosecute premium fraud cases full-time, says he had one overriding thought when he took the assignment and saw his cases pile up: "My God, look at all this money!" And California isn't the only state paying a high price for premium fraud. "There's no state that's immune to it," says Dennis Jay of the Coalition Against Insurance Fraud. "And there's at least half a dozen states with problems as bad as California's."

Sherri and Allen Atkins found out just how bad California's problems are. After Christi's accident, expenses were running $10,000 a day, says Allen, and his own insurance policy capped the amount of money available for Christi's care. Christi soon exceeded that cap and the family spent everything else they had on her mounting medical bills while wondering how they were going to continue to care for Christi at home. They envisioned having to put Christi into a state facility, which, they feared, would just monitor her body functions until she died.

Before Christi's accident, the Atkins had no idea their daughter was not covered by a workers comp insurance policy. But even if families don't know that employers can neglect to take out workers comp policies for their employees, states—which often sell workers comp insurance themselves—know and prepare for it. California, for example, has set up a special fund for people in the Atkins' situation. This $23 million taxpayer-financed reserve fund, called appropriately enough the Uninsured Employers Fund and administered by the state's Department of Industrial Relations, pays the medical bills of employees whose employers did not take out workers comp policies on their behalf. That's the theory. In reality, once Sherri and Allen Atkins found out that the fund even existed, they then had to go to court to prove that Michael Bennett was Christi's so-called employer of record and that it had been his responsibility to provide Christi with workers comp insurance. Their litigation would have been unnecessary if Christi had been covered in the first place because workers comp is a "no-fault" system, meaning that employees do not have to sue their employers in order to get their medical and disability benefits.

The courts eventually found that Bennett was indeed Christi's employer of record, that he should have purchased a workers comp policy for her, and that because he neglected to do so he was therefore liable for her medical expenses. But Bennett then turned around and declared bankruptcy, once again putting the financial burden of Christi's care on the taxpayers of California. The irony should be apparent: Because employers like Christi's refuse to spend just hundreds of dollars a year on a workers comp insurance policy, taxpayers end up spending millions of dollars a year on their employees' medical bills.

Risky Businesses

The Atkins are saddened that taxpayers have had to pay Christi's medical bills. "We find out that [Bennett] didn't have workman's comp and then what do you do? I mean we're not talking about a few hundred dollars a month. We're talking about thousands of dollars a month," says Sherri Atkins. "No family that I know of could assume that responsibility. We wish it wasn't like that but when they don't have workman's comp, what other ways do you have?" It's a raw deal for everyone. It's a raw deal for employees, who often have to litigate for benefits that should have come to them automatically. They are then faced with delaying treatment or skipping it altogether if they can't come up with the money needed to pay their medical bills while their case winds its way through the courts. It's also a raw deal for taxpayers, who may be forced to pay the medical bills that should have been covered by a workers comp insurance pool if an employer can't pay up even after the courts say he must. And it's a raw deal for honest businesses that are forced to pay more for their own workers comp insurance policies because dishonest businesses pay less. But there are many more consequences to this kind of fraud, many more ways for employers to cheat the system, and many things that could be done to crack down on these crooked companies—but aren't.

Employers commit premium fraud in a variety of ways. They may refuse to buy workers comp insurance at all or they may try to lower their premiums in fraudulent ways. Workers comp insurance premium rates are based on an employer's total payroll amount, the classification of his employees (which is based on how risky their jobs are), and the employer's accident record (much as your car insurance premiums are based partly on your driving record). As you might expect, companies with high-risk jobs and frequent accidents, like construction companies, pay the highest premiums and, subsequently, have the highest incidences of premium fraud. To lower their premiums, companies will underreport the number of employees they have on the payroll or they will underreport the wages they pay their employees. Some employers will pay employees in cash to get them off the books or they create affiliated companies on paper and use these fictitious companies to "hide" their employees. Or, at the start of a fiscal year, employers may purposefully underestimate the num-

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The Washington Monthly *Journalism Award*

JUNE 1998

KEVIN CORCORAN

"Tobacco Antes Up"

The Portage (Ind.) Times

Indiana Gov. Frank O'Bannon continued accepting campaign contributions from cigarette makers even while backing a lawsuit charging that they had marketed their products to children. After Corcoran's article ran, O'Bannon agreed not to accept any more money from tobacco interests and to return any money given since Jan. 1.

RITA BRAVER

"Hardball"

Public Eye with Bryant Gumbel

Ken Starr's intrusive investigative practices have been well documented by the press. Braver shows how federal prosecutors use these same practices in many of their lower-profile investigations and how damaging these tactics can be to average citizens.

THOMAS ZAMBITO AND JIM HANER

"Dirty Money"; three-part series

The Hackensack (N.J.) Record

More than 200 interviews and 7,000 pages of documents were reviewed for this three-part series detailing the state's problem with money laundering, its reluctance to take action to stem the illegal activity, and the connections between the money-laundering schemes and big business. On the day the first installment of the piece ran, both the governor and the state's attorney general vowed to pressure state legislators to addresss the issue.

ber of employees they plan to hire and what they will pay them in the upcoming year. If they are audited at the end of the year by their insurance carrier, the employer will often then pay the proper premiums. But in the meantime, the employer has received a low-interest loan for the year thanks to their reduced premium costs. If an insurance carrier drops an employer for scamming them this way—no problem. The employer can just get coverage through another carrier. Since insurance carriers don't usually share information about current or prior policy holders with other carriers, a shady employer can switch carriers many times, perpetrating this same scam over and over again.

Crooked employers will also misclassify workers in order to reduce premium costs. Because premiums are based in part on the danger level of a job, telling the state that a construction worker is a clerical worker can save an employer a lot of money. When Florida state prosecutors convened a grand jury in order to investigate premium fraud, they heard stories about roofers who had been classified by their employer as secretaries. This meant that the employer—who should have been paying $80 per $100 of payroll for his workers comp insurance premiums—was paying 89 cents per $100. Other crooked employers will classify their employees as independent contractors because states do not require employers to buy workers comp insurance for these kinds of employees. Finally, employers will also lie about their past workers comp claims. They may do this by lying outright on their insurance policy application or, once again, they may create a fictitious company on paper in order to hide past claims.

There isn't a person left untouched by this kind of insurance fraud. First of all, if employers even bothered to buy insurance at all, they have ripped-off their insurance carrier. Employers can usually buy workers comp insurance policies from two different sources—from a private insurance company or directly from the state they do business in. In order to compensate for crooked employers who pay too little into this insurance pool, insurance carriers will charge their customers a little extra to ensure that there will be adequate reserves for the inevitable worksite accidents. Honest employers pick up those additional costs in the form of higher premiums. But they then turn around and pass those additional costs on to you, charging more for whatever goods and services they provide to consumers. "It's like a hidden tax on everything you buy," says Los Angeles Deputy District Attorney Barry Gale.

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But even if honest employers are able to pass along the costs of their higher premiums, that doesn't mean they aren't adversely affected by premium fraud. For example, honest construction companies lose out on projects to premium fraud-committing companies because they are underbid by these crooked companies, which have lower overhead costs thanks to their lower premium costs. If they get underbid enough, honest businesses will either go out of business or leave the state. "If you're an honest business in any state, you're getting screwed," says Dennis Jay. The Los Angeles district attorney's office estimates that California loses 20,000 jobs a year due to business that pack up and leave after losing one project too many. And employers that cheat on their insurance premiums also tend to cheat on other aspects of the job—the wages they pay employees, the taxes they pay the state, the unemployment insurance fund they're supposed to pay into, even the raw materials they use for their construction work. "They're shoddy companies," says Barry Gale. "They cut corners everywhere."

Of course, all this is in addition to the hit that taxpayers take by picking up the costs of the medical bills that would have been covered by the insurance pool had an employer obeyed state law and bought workers comp insurance in the first place. Even an aggressive state like California, which, through the Uninsured Employers Fund, sues negligent employers in order to get them to pay these medical bills, has a hard time making employers pay up. In fact, the administrators of the Uninsured Employers Fund admit they only get about 15 percent of the crooked employers they sue to reimburse state taxpayers. Of course, they have their work cut out for them given that one-third of all businesses in California don't have workers comp insurance, according to estimates from the Los Angeles district attorney's office. Other states don't even bother to sue and instead levy a tax on the insurance policies they sell to businesses in order to have a reserve fund. (Private insurance carriers do much the same thing for the same reason.) This reserve fund serves the same purpose as California's Uninsured Employers Fund: It covers the medical bills of employees working for uninsured employers or employers who have skimped on their insurance coverage. But, once again, the tax levied on businesses to fill up this reserve fund is passed along as far as it can go—which means on to you. Of course, the biggest victims are the employees who don't know that they aren't covered by a workers comp insurance policy until they need the benefits.

So if the problem is so big and the dollar amount

JULY 1998

SCOTT MCCARTNEY

"Below the Radar"

The Wall Street Journal

McCartney documents a variety of sloppy practices at the Federal Aviation Administration that are enough to make even a seasoned air traveler sweat bullets. Last September a Continental flight's engine burned out in midair. It was no isolated incident; the airline had experienced similar problems with the same type of engine five times in the previous 24 days. If the FAA wants to shed the legacy of its "tombstone" approach to flight safety, it has a long way to go.

MARK ARAX AND MARK GLADSTONE

"Corcoran Prison: State Turns Blind Eye to Inmate Abuse"

three-part series

The Los Angeles Times

For seven years, the state of California tolerated flagrant abuses at its Corcoran prison, where nearly 50 inmates were shot or wounded. As Arax and Gladstone reveal, the guards who allegedly committed and encouraged the violence are members of the prison guard union, a million-dollar contributor to Gov. Pete Wilson's campaign. Now, in the wake of the Times' *series, the FBI and two state senators have started their own probes.*

THE MONTHLY JOURNALISM AWARD is presented each month to one or more newspaper, magazine, radio, or television stories (or series of stories) that demonstrate a commitment to the public interest. We are particularly interested in reporting that explains the successes and failures of government agencies at all levels and of other institutions such as the media, corporations, unions, and foundations that contribute to the existence or solution of public problems. Please send nominations (including two copies of the article or broadcast text) to Monthly Journalism Award, 1611 Connecticut Ave. NW, Washington, DC 20009. Nominations for stories run in August are due September 1.

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lost so huge, why isn't more being done about it? Barry Gale would love to prosecute more cases, but he is only allowed to prosecute the cases in which an employer fraudulently lowered his insurance premiums, not the cases in which an employer neglected to buy insurance at all. Why? Because he is only allowed to prosecute workers comp felonies—and not buying workers comp insurance at all is only considered a misdemeanor in California. A grand jury convened in Florida last year to investigate premium fraud found much the same thing. "[E]mployers who buy no insurance at all are rarely, if ever, referred for prosecution, and generally face minimal civil penalties," the report noted. "The irony is that as things stand now, employers who buy no insurance face significantly less punishment than employers who buy some insurance." The grand jury also said that this inequity could make a bad system worse: "As more and more businesses stop paying insurance, the rates will be driven up even further for those remaining legitimate businesses, thereby increasing the pressure on them to also stop buying insurance so that they may survive."

But no matter what state you live in, it's the complicated nature of premium fraud that stymies investigations and prosecutions. In order to find premium fraud, you need investigators who can decipher articles of incorporation, government employment statistics, and complex classification codes. "You need forensic accountants to go in and figure out what happened," says Dennis Jay. Or a bookkeeper who blows the whistle, which is how many investigations begin. Jay also notes that many state workers comp agencies often aren't set up to root out fraud because the workers comp judicial structure is focused on administering benefits, not doling out criminal justice.

States of Confusion

To make matter worse, states often have multiple agencies and departments that oversee different parts of the workers comp system. This split or overlapping authority can ensure that no one agency sees the big picture or notices when an employer has started to scam the system. Insurance companies, on the other hand, often have special investigation units specifically detailed to look for fraud, which, in theory, could help states track down premium fraud cases. But insurance companies don't have access to the very state records that would help them make their cases, namely state payroll records. Employers that commit premium fraud have lied on their workers comp insurance applications, which are usually submitted to private insurance companies. On the other hand, these employers often don't lie on their actual payroll records, which are submitted to the state. They don't lie on these records for two reasons. One—lying on state payroll records carries a much higher penalty then lying on insurance applications. (In fact, there are no penalties levied by insurance companies, says Jay. If caught, an employer only has to pay back what he should have paid during the year in premium costs, which turns the money saved during the year into a low-interest loan.) Two—they don't lie because they don't have to; their insurance carrier will never be allowed to see those records.

But it's not just the complicated nature of premium fraud that stops states from rooting out this kind of fraud. States are often their own worst enemy. In its report, the Florida grand jury found that lax enforcement and miniscule fines by the agencies in charge of the workers comp system was partly to blame. The message sent by Florida is that fraud will be tolerated if you stay and do business in this state. "We have found that when a penalty is issued, it is invariably $1,000 for first time offenders, no matter how large the payroll, how egregious the violation, or the amount of premium dollars stolen," the report said. In fact, of the 2,862 penalties given out by the state between 1996 and 1997, only 12 were for more than $1,000. Another irony emerges here. In an attempt to keep businesses in the state, premium fraud is tolerated, which, in turn, raises the premium rates of honest businesses, which, in turn, drives them out of the state.

In the meantime, protect yourself. Ask your employer if he has taken out a workers comp insurance policy in your name. If you have a contractor or subcontractor working on a project for you, make sure their workers comp insurance is paid up. Because if a worker gets hurt, you might be liable for their medical expenses. Of course, as a taxpayer and a consumer, you'll be paying for premium fraud until the states get serious about stopping it. ●

Dreaming of Bill Clinton?

Soliciting women's dreams of encounters (sexual and otherwise) with our President for a book on women and power. Potential contributors please send dreams and contact information to:

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Memo *of the* Month

TAIWAN DO's & DON'T's

TERMINOLOGY

- DO USE "Taiwan Authorities," DON'T USE "Taiwan Government"
- DO USE "Taiwan" DON'T USE "Republic of China"
- DO USE "Taiwan representatives," DON'T USE "Government Officials"
- DO USE "unofficial meeting," etc. DON'T USE "Official meeting"
- DO USE "AIT Consultant," DON'T USE "US Government Official"
- DO USE "Unofficial Relations," DON'T USE "Diplomatic relations"
- DO USE "Taiwan" as an adjective DON'T USE "Taiwanese" (except when referring to descendents of pre-'49 inhabitants)
- DO USE "AIT Taipei" DON'T USE "Embassy" or "post"
- DO USE "jurisdiction" or "area" DON'T USE "Country"
- DO USE "AIT Director" DON'T USE "U.S. Ambassador"
- DO USE "TECRO Representative" or "Taiwan Representative" DON'T USE "ROC/Taiwan Ambassador"
- DO USE "TECRO or Taipei Economic and Cultural Representative Office" DON'T USE "ROC/Taiwan Embassy"
- DO USE "AIT-TECRO Agreement" DON'T USE "Treaty"

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D.C.'s Demagogue-In-Chief

How a potentially great black leader betrayed his promise, his city, and his people

By Michael Powell

THE LAST OF THE BLACK EMPERORS: The Hollow Comeback of Marion Barry in a New Age of Black Leaders
By Jonetta Rose Barras
Bancroft Press, $24

NOT LONG AFTER I ARRIVED IN Washington two years back, notice arrived of a series of Marion Barry press events designed to sell his budget proposals. In District political circles, this was not unlike receiving the spring schedule at the Arena Stage: A show was guaranteed.

After his own desultory fashion, the mayor did not disappoint. Ever the natural politician, with hair dyed jet black in his seventh decade, Barry feinted and parried throughout the week, at ease if a bit bored. When a reporter suggested that Barry's budget, larded with monies for one dysfunctional program or another, might not gain the approval of the city's financial control board, Barry loosened a practiced snarl. Cut his programs, he said with voice artfully deepening, and there will be "blood in the streets!" Here we had a bit of antique racial mau-mauing, this notion that Barry, half militant and half mayor, was as Horatio at the bridge: Disregard him and his people will riot. But the threat made the evening newscasts and the next day's newspapers.

Two days later Barry advised *The Washington Post* editorial board that his threat was "just a generic street term." And so dramaturgy fades into farce.

The corrosive emptiness of much of Marion Barry's tenure as mayor, in particular his second, third, and fourth terms, is Washington's burden. And Jonetta Barras' perceptive new book, *The Last of the Black Emperors: The Hollow Comeback of Marion Barry in a New Age of Black Leaders*, amounts to an autopsy for that time, and for a brand of racially tinged politics that once dominated more than a few of the nation's cities.

These politics were embraced nearly as often by white liberals as by some blacks, to the mutual detriment of both. As Barras makes clear, Barry's deceits and failures forever puncture the notion that there is a transcendence to be found in the politics of racial nationalism and resentment.

What's less clear is why Barry's brand of politics held sway in Washington so long after voters in other cities moved on. Washingtonians used to explain their continued allegiance to Barry by talking of his symbolic resonance for the nation. That was a fragile conceit.

By 1998, Barry was a political dinosaur and Washington was his swamp. That said, Barry's decline presents a problem for a newcomer such as myself. To watch Barry now, with his fatigued rhetoric, shriveled political base, and almost comic megalomania, is not unlike trying to describe a man by peering at his shadow.

Barras' book encompasses far more than Barry's recent political comeback, moving backward in time to examine his life in his poetically named birthplace of Itta Bena, Miss., and his work in the civil rights movement as well as in Washington. By doing so, she reminds us of Barry's political genius, of his instinctive feel for the vernacular of the city and its politics. (In a felicitous and earthy phrase, she writes: "Barry knew the District the way lovers know each others' bodies.") In her hands, the man's power and appeal is evident, even if one is nonetheless more inclined to view Barry as closer to charlatan than fallen hero.

MICHAEL POWELL *is a staff writer for* The Washington Post.

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Barry arrived in Washington at a propitious time for a young man wearing the epaulets of the civil rights struggle in the Deep South. A stolid government town, Washington had not been a place of lynching and mobs. But its Jim Crow segregation had been complete, if genteelly enforced. And the city remained segregated for years afterwards.

Barry plunged into the fight for Home Rule as Washington's very own angry young man. But when the riots came in 1968 (the city's only Long Hot Summer), Barry became a peacemaker. That fit a pattern. Posturing aside, Barry most often confined his militancy to the campaign stump and the corporate boardroom.

His first mayoral campaign in 1978 brimmed with hope. His coalition was multiracial and crossed class lines, as varied an effort as could be found in American politics. He carried a largely white ward, and beat longtime establishment politicians. To read of that victory now is to feel the weight of a lost opportunity, to sense how a braver leader might have sown a different seed.

Barry did not see a new politics aborning. He saw only a slim margin of victory and an unreliable political base. And he was well-versed in the argot of the militant wing of the civil rights movement, which viewed government jobs and contracts as proper recompense for enduring life in a racist society. So Barry built an old-fashioned race-based political machine, hiring thousands of people, agreeing to spectacularly generous union work rules and handing out contracts to friends and supporters. He claimed a patina of moral authority for all this. To question his empire building was to challenge the legitimacy of black political empowerment.

Barras notes that ethnic politicians of many hues have constructed such political machines, and that corruption "moral and legal" is hardly a signal trait of Washington's politicians. But she acknowledges the rub: Unlike a James Michael Curley in Boston or a Richard Daley in Chicago, Barry's machine tendered jobs by the bushel but too rarely demanded work in return. Moreover, Daley built his organization as the good times rolled in the 1950s and 1960s. Barry, by contrast, constructed his machine in the 1980s, as the Great Society foundered on the shoals of the Reagan Revolution and middle-class sentiment turned against America's cities.

Barras envisions her book as an exercise in cross-racial interpretation. She wants white audiences to understand Barry's enduring appeal, to comprehend why exposure of his faults and the continual assaults by the U.S. Congress often fire up the passions of his black defenders. She quotes political scientist Ron Walters: "We have elevated people who were defiant of the system ... we've respected those people who can stand up to the system, and Marion has told almost everybody in this town where to get off."

Perhaps. But by indulging in such resentments, Barry's supporters entered a political and racial cul-de-sac. Barras recognizes this. So she also wants her black audience to understand how their resentments and diminished expectations encouraged self-destructive political behavior by their leaders. Such problems have deep roots in the black diaspora; Barry, she writes, personifies Anansi the Spider, a mythic figure found in African literature. The Anansi is a wily, multifaced creature who survives by trickery and cunning, alternately infuriating and tickling his followers.

As a narrative device, Barry as Anansi is a bit overdone. But Barras' detailed examination of the complex relationship between Barry and the black community, and the toll taken on his leadership by his sexual crudities and chemical dependence, is incisive and brave. Her examination of Barry's relationship with the white community is less nuanced. She skillfully limns Barry's cross-racial appeal in 1978, his ability to inspire hope and fear in white voters. So smart, so charismatic, so threatening: thus Barry's enduring appeal. But Barras misses the quid pro quo embedded in that relationship. Some white liberals and ambitious developers of no particular ideology essentially ceded city government to Barry in the early 1980s, so long as he left alone their cloistered enclaves west of Rock Creek Park. The welter of motivations that drives such paternalistic trade-offs is more completely captured and examined in books such as Jim Sleeper's *Liberal Racism.*

For years, leading white and black liberals failed to seriously question the growing size of city government and the contracts given to mayoral cronies. They acquiesced in the downward slide of the public schools and tolerated growing corruption and incompetence in the police department. The effect on black Washington was terrifying. Beginning in 1987, the District, per capita, had more police than any city in the nation and the highest homicide rate. But the bodies accumulated almost exclusively in black neighborhoods. Few whites suffered when Barry's cronies failed to train welfare mothers and left the Medicaid elderly to rot in city-funded nursing homes. Whites paid for private security and snow plows, and white parents decamped to private schools or funded their own teachers and supplies to shore up their local public

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schools. Barry appointed powerful white attorneys and lobbyists to zoning and adjustment boards, and he was ever willing to allow white developers to extract vast sums from downtown development.

This trade-off cemented Washington's division into two cities, and fed a cynicism that today erodes participation in the political life of the city. (The editorial board of *The Washington Post* played its own role, endorsing Barry in his first three elections).

Finally, there is the terrible discredit the Barry era brought on those he claimed to succor: the city's poorest. As Barry descended into farce in his fourth term (and Barras is far too optimistic about the miniscule reforms enacted by the mayor's top aides in that final term), no one paid attention as welfare reform foundered in the District, as homeless men filled the streets, and as foster care and low-income housing decayed and crumbled. The city's only public college teeters on the verge of dissolution, and burial benefits for the penniless are revoked. But to talk now of helping Washington's poor as often summons memories of Barry's sweetheart contracts and employment programs that produced few jobs. This neglect, too, is part of Barry's legacy.

Barras' book is not fully realized. Her writing is elegant and metaphorical at one turn, choppy and repetitious the next. A reader sometimes glimpses a still stronger book inside this one, wanting only for the hand of a good editor.

But her book offers a courageous assessment, and should be read as warning and signpost for the future. This past summer, some Washingtonians complained of their boredom with the crop of mayoral candidates in the first election of the post-Barry era. They looked at the Democratic field, at an intellectually impressive former chief financial officer and three council members of reformist impulse and at least middling accomplishment, and found little fire and flash.

Where is the Marion of this political class? some ask. Where is the sizzle?

It's a virtue of Barras' book to remind us that perhaps such boredom is a sign of maturity. ●

Moral Economics

What the campaign for a living wage is really about

By Paul Krugman

LIVING WAGE: What It Is and Why We Need It
By Robert Pollin and Stephanie Luce
New Press, $22.50

ECONOMICS TEXTBOOKS enthuse about the virtues of a price system. In a market economy, nobody needs to order people to economize on a scarce commodity or make extra efforts to produce it: Scarcity leads to a high price, and sheer self-interest does the rest. Conversely, nobody needs special persuasion to take advantage of an underemployed resource: Abundance will make it cheap, and again self-interest will take it from there.

And yet there is a problem with markets: They are absolutely and relentlessly amoral. Labor, in a market system, is just another commodity; the wage a man or woman can command has nothing to do with how much he or she needs to make to support a family or to feel part of the broader society. Some conservatives have managed to convince themselves that this poses no moral dilemma, that whatever is, is just. And one supposes that there are still unrepentant socialists who believe that one can do away with market determination of incomes altogether. But after a century marked by both the Great Depression—which basically ended unalloyed faith in markets—and the fall of communism, most people support some version of the welfare state: a system that is based on markets, but in which the government tries to prevent too unequal a distribution of income.

But how is that to be accomplished? The standard economist's solution, which is also the main way the U.S. welfare state operates, involves "after-market" intervention: Let the markets rip, but then use progressive taxes and redistributive transfers to make the

PAUL KRUGMAN *is a professor of economics at MIT.*

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end result fairer. However, many liberals have always felt that this solution is unsatisfactory. Instead, they want to increase "market" wages, notably through support of collective bargaining, and through the imposition of minimum wage standards.

The "living wage" movement, which has attracted considerable support in several major U.S. cities, is a variant on this tradition. As described in Robert Pollin and Stephanie Luce's new book *Living Wage*, it essentially involves putting a floor on wages not through a conventional minimum wage law, but by requiring minimum wage standards of firms that do business with a local government. Aside from novel enforcement issues (I know this lawyer who will explain to you about creating dummy companies for the contract work, leaving the rest of the business unregulated), this is basically a distinction without a difference: The living wage movement is simply a move to raise minimum wages through local action.

So what are the effects of increasing minimum wages? Any Econ 101 student can tell you the answer: The higher wage reduces the quantity of labor demanded, and hence leads to unemployment. This theoretical prediction has, however, been hard to confirm with actual data. Indeed, much-cited studies by two well-regarded labor economists, David Card and Alan Krueger, find that where there have been more or less controlled experiments, for example when New Jersey raised minimum wages but Pennsylvania did not, the effects of the increase on employment have been negligible or even positive. Exactly what to make of this result is a source of great dispute. Card and Krueger offered some complex theoretical rationales, but most of their colleagues are unconvinced; the centrist view is probably that minimum wages "do," in fact, reduce employment, but that the effects are small and swamped by other forces.

What is remarkable, however, is how this rather iffy result has been seized upon by some liberals as a rationale for making large minimum wage increases a core component of the liberal agenda—for arguing that living wages "can play an important role in reversing the 25-year decline in wages experienced by most working people in America" (as this book's back cover has it). Clearly these advocates very much want to believe that the price of labor—unlike that of gasoline, or Manhattan apartments—can be set based on considerations of justice, not supply and demand, without unpleasant side effects. This will to believe is obvious in this book: The authors not only take the Card-Krueger results as gospel, but advance a number of other arguments that just do not hold up under examination.

For example, the authors argue at length that because only a fraction of the work force in the firms affected by living wage proposals will be affected, total costs will be increased by only 1 or 2 percent—and that as a result, not only will there be no significant reduction in employment, but the extra cost will be absorbed out of profits rather than passed on in higher prices. This latter claim is wishful thinking of the first order: Since when do we think that cost increases are not passed on to customers if they are small enough? And the idea that employment "of the affected workers" will not suffer because the affected wages are only a small part of costs is a non sequitur at best. Imagine that a new local law required supermarkets to sell milk at, say, 25 cents a gallon. The loss in revenue would be only a small fraction of each supermarket's total sales—but do you really think that milk would be just as available as before?

They also argue that because there are cases in which companies paying above-market wages reap offsetting gains in the form of lower turnover and greater worker loyalty, raising minimum wages will lead to similar gains. The obvious economist's reply is, if paying higher wages is such a good idea, why aren't companies doing it voluntarily? But in any case there is a fundamental flaw in the argument: Surely the benefits of low turnover and high morale in your work force come not from paying a high wage, but from paying a high wage "compared with other companies"— and that is precisely what mandating an increase in the minimum wage for all companies cannot accomplish. What makes this an odd oversight is that the book contains a lengthy and rather well-done critique of attempts by local governments to create jobs through investment incentives, arguing that they mainly end up in a zero-sum poaching war; how could the authors have failed to notice the parallel?

But while there is much that is silly in their book, Pollin and Luce are diligent and honest—and as a result the book carries lessons and implications they may not have intended. The most interesting section is their estimates of the impact of living-wage proposals on the budgets of hypothetical families—estimates that perhaps give us the clue to what all this is really about.

Consider, for example, the effects of "Plan Y" (never mind) on the hypothetical head of a household, currently making $5.43 an hour. According to their estimates, as long as he or she remained fully employed, the living-wage law would raise earned income from $10,860 to $14,500—and also mandate $2,500 in health coverage. (This is, incidentally, a 57

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percent increase in the cost to employers; you have to have a lot of faith in Card-Krueger not to worry that some jobs might be lost.) According to their numbers, that family would currently pay less than $900 in taxes while receiving some $9,700 in benefits such as food stamps, Earned Income Tax Credit, and health care. Their calculations also show that most of the gains from the living wage proposal would be offset by reductions in these other redistributive programs. Indeed, only about one-fifth of the mandated increase in wages and benefits actually gets manifested in disposable income; the rest is taken away as benefits decline.

Now to me, at least, the obvious question is, why take this route? Why increase the cost of labor to employers so sharply, which—Card/Krueger notwithstanding—must pose a significant risk of pricing some workers out of the market, in order to give those workers so little extra income? Why not give them the money directly, say, via an increase in the tax credit?

One answer is political: What a shift from income supports to living wage legislation does is to move the costs of income redistribution off-budget. And this may be a smart move if you believe that America should do more for its working poor, but that if it comes down to spending money on-budget it won't. Indeed, this is a popular view among economists who favor national minimum-wage increases: They will admit to their colleagues that such increases are not the best way to help the poor, but argue that it is the only politically feasible option.

But I suspect there is another, deeper issue here—namely, that even without political constraints, advocates of a living wage would not be satisfied with any plan that relies on after-market redistribution. They don't want people to "have" a decent income, they want them to "earn" it, not be dependent on demeaning handouts. Indeed, Pollin and Luce proudly display their estimates of the increase in the share of disposable income that is earned, not granted.

In short, what the living wage is really about is not living standards, or even economics, but morality. Its advocates are basically opposed to the idea that wages are a market price—determined by supply and demand, the same as the price of apples or coal. And it is for that reason, rather than the practical details, that the broader political movement of which the demand for a living wage is the leading edge is ultimately doomed to failure: For the amorality of the market economy is part of its essence, and cannot be legislated away. ●

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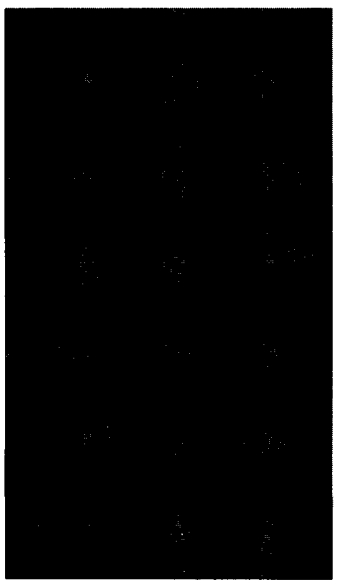
Tidbits & Outrages

Of course you recall Jesus' sermon on Aryan supremacy

A South Carolina legislator explaining his vote against a referendum to repeal the state's ban on interracial marriage: "It's just my Christian belief that a good Southern Baptist ought not to do that [intermarry]. . . . I just believe in the sanctity of the white race."

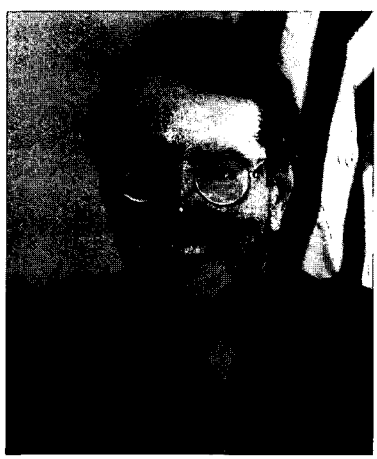


If convicted, he could get 6 months for each toe

Connecticut police are searching for a burglar who breaks into women's bedrooms and tickles them on the feet.

She should have made It $850

A New Mexico woman has been charged with offering an undercover police detective $750 to kill her husband.



I don't remember that chapter from Dr. Spock

A Damascus man has been arrested for stabbing his son to death because the boy refused to turn down his tape recorder while the father was taking a nap.

Another campaign issue for Steve Forbes

A London institute is calling for tax breaks to allow high-income households to employ domestic servants.

They're naming it for Michael Milken

The Dubai prison system is constructing a multimillion-dollar business center to allow inmates jailed for financial crimes to stay active in their companies.

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Political Booknotes

Fighting Injustice

by Preston Lerner

IN A NATION WHERE THE FEAR OF crime is more prevalent than crime itself, capital punishment is a growth industry. Nearly 3,400 Americans reside on death rows, and their numbers increase daily despite our declining murder rate. More than 400 inmates have been executed since the Supreme Court reinstated capital punishment a quarter-century ago. Last year alone, the death toll was 74—a modern record.

A PROMISE OF JUSTICE:
The Eighteen-Year Fight to Save Four Innocent Men
by Rob Warden and David Protess
Hyperion, $23.95

Although capital punishment may be justified in particularly heinous cases, even its strongest supporters can't help but worry about the possibility of executing an innocent person. And while mistakes are rare, no fewer than 75 death row inmates have been exonerated since 1973. Add to this dozens of hapless victims—Sacco and Vanzetti, to name the most notorious example—whose only crime was being in the wrong place at the wrong time.

A Promise of Justice, the latest entry in the subgenre of miscarriage-of-justice chronicles, documents a crime that horrified suburban Chicago in 1978: A white couple was abducted from a gas station and driven to the decaying black neighborhood of Ford Heights. There, the woman was raped, and she and her fiancé were killed. Four black men with no history of violent crime were arrested after a perfunctory police investigation. All were convicted of murder, and two were sentenced to death, largely on the basis of testimony that was later recanted. In a supreme irony, the "eyewitness" who recanted was charged with perjury for telling the truth.

Written by David Protess, a professor at Northwestern's Medill School of Journalism, and former *Chicago Lawyer* editor/publisher Robert Warden, the book recounts the authors' 15-year struggle to free the so-called Ford Heights Four. Their doggedness in the face of repeated disappointment is inspirational. Stories in the muckraking *Chicago Lawyer* prompted new trials. After a second set of convictions, Protess enlisted the aid of his journalism students. In the end, this ragtag collection of amateur investigators not only proved the innocence of the Ford Heights Four but also wrangled confessions out of the real killers.

This is great stuff, and it ought to make for compelling reading. Unfortunately, the book falls short both as entertainment and prescription. While *A Promise of Justice* is a shining illustration of the power of an unfettered press, it also spotlights the failings of conventional, resolutely objective journalism in an age when celebrity is measured in minutes and attention spans in seconds. With its clipped rhythms, shorthand descriptions, and one-sentence paragraphs, the book reads like a 241-page newspaper feature. Scenes lack a sense of place. Characters rarely come to life. TV producers could (and probably will) turn this tale into a sweeps-week docudrama. Oliver Stone would transform it into an indictment of the entire legal profession. But Protess and Warden, determined not to sensationalize, give us facts when we want drama.

To their credit, the authors scrupulously avoid glorifying themselves. But as a result, the book has no central hero. Nor, for that matter, does it have any real villain. Early on, Dennis Williams, lingering on death row, blames his predicament on "power-tripping racists." Clearly, there was a rush to judgment, and it's doubtful that the death penalty would have been sought if the victims had been black. But the case for racism being the cause of this miscarriage of justice is never made beyond a reasonable doubt.

Readers will come away with contempt for the police, who botched the investigation, and the prosecutors, whose performance was at best overzealous. But the "evidence" against the Ford Heights Four seems so marginal that any competent defense attorneys should have been able to win an acquittal. The defendants were convicted *twice* largely because they were represented by attorneys who possessed neither the skill nor the experience to try capital cases. Three of them, in fact, would have their licenses to practice law suspended.

Here was the perfect opportunity for Protess and Warden to broaden their perspective from one courthouse in Illinois to death rows across the country. Other than the death penalty itself, no issue vexes critics of capital punishment more than the specter of inadequate representation. Because defendants in capital cases are disproportionately black, often indigent, they are rarely represented by trial wizards and legal scholars. And in an adversarial system based on the notion that justice is the product of a clash between evenly matched advocates, second-rate representation can translate—literally—into a death sentence.

But the authors choose to limit themselves to the particular rather than the universal. Instead of offering suggestions for preventing more miscarriages of justice, they close their account with the Ford Heights Four's predictably troubled return to civilian life. And so it's left to Dennis Williams—the voice of bitter experience—to propose a plan of his own to "restore justice to our criminal justice system." Speaking to legislators in Washington, Williams strikes a note of passion that's oddly lacking in a book that should overflow with outrage. But perhaps Protess and Warden expended all their anger where it mattered—fighting the good fight. Before they were authors, first they were heroes. Rarely has the pen seemed mightier.

Preston Lerner is a Los Angeles-based journalist.

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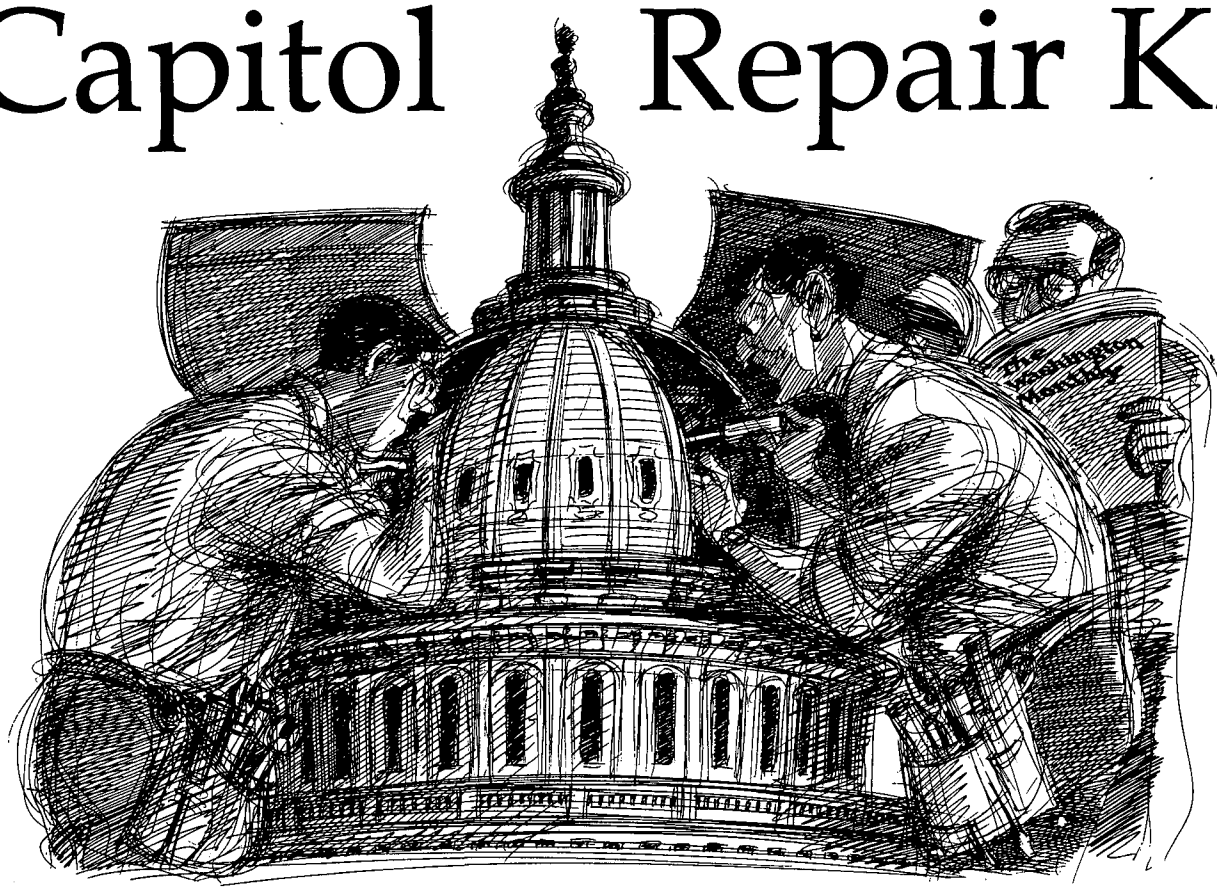

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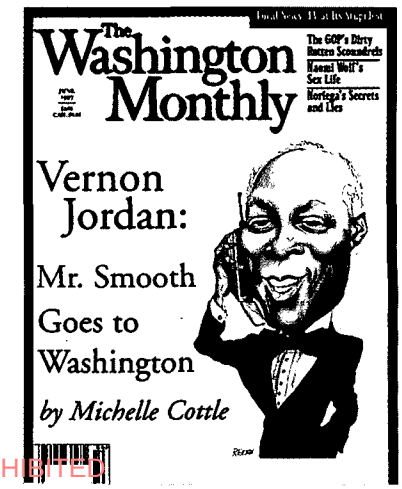

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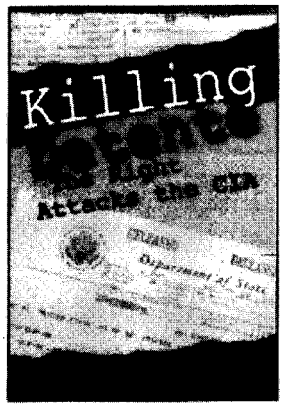

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Party's Over

by Michael J. Ybarra

In 1920 Grigory Zinoviev, head of the Communist International, better known as the Comintern, dispatched a secret diktat to the two fledgling American parties that had registered competing claims to the Bolshevik franchise in the U.S. The Comintern, sort of a Russian housemother of the worldwide revolutionary movement, ordered the two squabbling groups to merge and even decreed a name, more hopefully than realistically: the United Communist Party. But the hapless Soviet courier fell into the arms of the police and most aspiring Leninists in the U.S. read their instructions in the *New York World*. Which is not to say that they followed them very well. Soon there were three American Communist parties; then there were two again, although the fact that they had the same name and each published a journal called the *Communist* makes one feel sorry for the poor Bureau of Investigation (forerunner to the FBI) agents who had to try to keep all of this straight. Once again the Comintern laid down the law, this time printed on a thin swatch of silk that the Soviet messenger could presumably tie into an ascot to slide by the authorities, if not the fashion police. "The further postponement of the unification of the two Communist groups is a crime against the Communist International," the scarf commanded.

THE SOVIET WORLD OF AMERICAN COMMUNISM

by Harvey Klehr, John Haynes, and Kyrill M. Anderson

Yale University Press, $35

Just like the Comintern's confidential instructions turning up in a newspaper, the American party's fealty to Moscow was no great secret. Nevertheless, it's a significant service for Yale University Press to finally publish Moscow's actual marching orders, as it has done in a recent volume of documents culled from the Comintern's archives. *The Soviet World of American Communism* is the second installment of this ongoing project.

While it's hard to overestimate the value of the series, it could have been edited better. The two extant volumes are not without overlap, redundancy, and padding. It might not be the greatest of Soviet crimes, but someone should mourn all of the forests felled to print Communist drivel; it's a shame to see Klehr, et al unnecessarily contribute to this wastage.

Moreover, the authors write with a sense of vengeance, overreacting, I would say, to the rampant and often foolish revisionist scholarship on American Communism, which has often portrayed the party as the moral equivalent of the Boy Scouts. Too much time spent in the airless archival world of American Communism can make anyone's prose more blunt and accusatory than need be. Still, the authors' judgements strike me as unfailingly correct and insightful.

Founded in 1919 in Chicago (with government agents taking notes) the U.S. Communist Party was dominated by immigrants who felt a greater bond with the international working class than with most of their putative fellow Americans. They might have been expecting a short hitch: After two years Lenin's Bolsheviks were still in power and revolutionary rumblings could be heard throughout Europe. If Europe's most backward country could leap into the future where the workers could stand like men instead of stooping like beasts, think of what could happen in the world's most forward-looking country!

Thus the Soviet Union became not just the model and inspiration for would-be revolutionaries around the world; it became revolution itself, a star too bright to look at directly but one that would light the hopes of legions who had no other light. "On earth they were building a kingdom more bright than any heaven had to offer," John Reed, who helped found one of the American parties, reported from the world's first people's republic.

Success had granted Moscow a monopoly on revolution and Lenin wasn't about to give away the farm. In

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1920 the second world congress of the Comintern adopted requirements for membership, subservience not least among them: "In reality and in action the Communist International must be a single universal Communist Party, the parties in each country acting as its sections."

The American section of the party could not be accused of not trying to please. Even at its height of influence in the U.S. the American party was willing to sacrifice success to keep Moscow happy. During the Popular Front, for example, the talk about workers seizing the means of production and the bourgeoisie drowning in its own blood had given way to muted rhetoric that emphasized the CPUSA's congruity with America's own revolutionary pedigree. Communism is Twentieth-Century Americanism became the party's rallying cry. "This is one of our popular slogans which has influenced large masses," one American party functionary explained to Moscow. "It serves as the main theme under which the Party claims and carries forward the revolutionary and democratic traditions of America." But the Comintern did not like the slogan, so the CPUSA dropped it.

Unfortunately the party's slavishness was not limited to propaganda; its own members, which is to say real people, often found themselves being run over by the train of history without so much as an audible gasp from the leaders of the CPUSA. Consider the little-known tragedy of the Karelian Finns. In the decade after the Russian revolution, more than 10,000 members of the American Communist Party, mostly immigrants to the U.S., returned to the Karelian region of the USSR, near the Finish border, to help build a worker's paradise. During the purges of the late '30s, perhaps more than a thousand of these idealists were arrested as spies; the lucky ones got hard labor in Siberia, the unlucky were shot. "In short, under cover of a working-class movement, these people became the advance agents of fascism aiming at the destruction of socialist economy," the Comintern informed the American party, which adopted the line without a quibble. But as the authors point out:

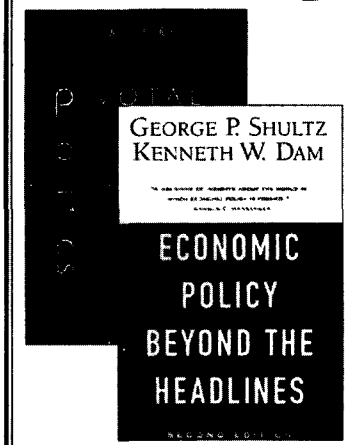
> The charges leveled against these Finns were lies. They had been among the most devoted Communists in North America and had enthusiastically embraced the opportunity to help build a socialist state in Karelia. But despite their innocence, their loyalty, and their American connections, the CPUSA allowed them to go to imprisonment and death without a protest; in fact, American Communists took active measures to silence the voices of those Finns who were able to escape.

While maybe more than a thousand American party members disappeared in the purges, their comrades in the U.S. soldiered on, some falling off after the Hitler-Stalin pact, others dropping by the wayside, or wishing they could, when the U.S. government started prosecuting Communists during the cold war. What shook most of the rest loose was Nikita Khrushchev's secret speech denouncing Stalin in 1956, which most party members, of course, read in *The New York Times*. The authors write:

> But the facts disclosed were not revelations .... For more than 20 years, both the mainstream press and scholarly books had carried hundreds of stories, refugee accounts, and exposés of the nature and horrors of Stalin's regime. Yet although the insistence of American Communists that the news was a revelation was literally false, it was psychologically true. Since the beginning of the movement, American Communists had worn special glasses that allowed them to see only what Moscow saw and that rendered all else invisible. ... But when Moscow finally opened its own eyes, when Khrushchev ... pointed to the bodies of Stalin's victims littering the Soviet landscape, American Communists saw those bodies as well. And this vision offered a shattering revelation.

For the next 35 years the party hobbled along with about 3,000 members led by the indefatigable Gus Hall. The U.S. stopped jailing Communists after an adverse Supreme Court ruling, although there were not many party

Reading Policy



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members left to arrest. The Soviets keep doling out the secret subsidies, although never enough to please Hall. "I am convinced that our party can be an important factor in slowing down, stopping, and reversing the present reactionary policies of the Reagan Administration," he wrote to Moscow in 1981, pleading for more cash. Six years later, he was still grubbing for more money. "Because our Party works in the decaying heart of imperialism," the ever-optimistic Hall reported, "whatever we do in influencing events in the United States has an impact on world developments."

But by 1989 even Mikhail Gorbachev had basically given up the ghost of Communism, and after Hall badmouthed him the Soviet leader cut off the American leader's allowance. Alas, when the American Communist Party finally did stand up to the Soviets it was, once again, on the wrong side of history.

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STANDING AGAINST DRAGONS

Three Southern Lawyers in an Era of Fear

Sarah Hart Brown

In the two decades after World War II, John Coe of Pensacola, Florida; Cliford Durr of Montgomery, Alabama; and Benjamin Smith of New Orleans resisted both the excessive zeal of the anti-Communist right and the southern segregation laws to champion civil liberties, enduring personal and professional backlash for their commitment. Sarah Hart Brown here examines the careers of the three while describing the positions of southern liberals and radicals in the broader stream of American liberalism during the postwar period.

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Blaming the Judge

By E. Joshua Rosenkranz

HAVE YOU HEARD ANY GOOD judge jokes lately?" To Max Boot, the question is a metaphor for what's wrong with our system of justice. Sure, we yuck it up about lawyers going over cliffs in busloads and lying whenever their lips move. But no one jokes about judges. Why? Because we hold them in high esteem. Too high, for Boot's taste. So he aims to change that by exposing the "arrogance, corruption, and incompetence on the bench," to quote the subtitle of his new book.

OUT OF ORDER: Arrogance, Corruption, and Incompetence on the Bench
by Max Boot
Basic Books, $25

Boot, a *Wall Street Journal* op-ed editor, insists that judges, not lawyers or legislators, are responsible for almost every problem that afflicts our system of justice. Too many criminals at large? Judges are at fault. Too many frivolous suits filed? Blame judges. Jury awards shooting through the roof? Again, judges. And, of course, no indictment of judges is complete without the complaint that "activist" judges have flouted the democratic process.

The list of charges is not particularly fresh. Judges have long been preferred targets, especially for politicians. But the tone of Boot's book is illustrative of the recent escalation of vitriol and disintegration of accepted norms of conduct toward judges. House Majority Whip Tom DeLay demands the impeachment of any "activist" judge who issues a decision he dislikes. Ideologically driven senators throw the federal courts into crisis by refusing even to vote on qualified judicial nominees for years. And for every controversial judicial ruling, it seems, there is a politician prepared to introduce a bill to prevent any judge from ever ruling that way again.

This frenzy, which Boot fuels, presents a potentially devastating threat to the independence of the judiciary—and, hence, to our rights. This nation's founders understood a critical lesson of history: An independent judiciary is often all that stands in the way of tyranny. Not just tyranny of the despot, but tyranny of the majority. The framers of our Constitution understood that the majority is sometimes a bit too eager to sweep away our individual rights when convenient. They developed a Bill of Rights to protect each of us from the unbridled will of the public.

Judges have the sacred and daunting task of enforcing those rights—even when those rights compel unpopular results. Or, I should say, especially then. That is why we give federal judges life tenure and why we make it hard to remove judges. A judge who worries that an unpopular ruling will yield a pink slip is more likely to trade in our constitutional rights for his own job security.

Boot, supposedly a libertarian, never mentions this history or even the role judges play in protecting our rights. To the contrary, without so much as a hint of irony, he begins his diatribe by identifying judicial independence and judicial review as "the basic problem." Our constitutional structure, notes Boot repeatedly, grants judges power without accountability. True, once appointed, lifetime judges are not accountable *to us*, but that does not mean they are free to do whatever they want. Boot demonstrates as much by citing higher-court

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reversals or disciplinary proceedings—though his intention is to prove that the judges he vilifies were wrong. Higher courts sit to ensure that judges apply the law correctly. Yet, in a telling passage decrying a litany of jury awards that Boot considers outrageously generous, he adds, "It doesn't much matter that most of these stratospheric sums are reduced on appeal." Well, why not?

Don't get me wrong. As a former public defender, I have too many judge-inflicted battle scars to deny that some judges can be vicious and arrogant. And, yes, like any collection of humans, the legions of federal and state judges—over 30,000 in all—include some bad apples who are corrupt or incompetent. As to what Boot calls "activism," thoughtful scholars and jurists—from Robert Bork to the late William Brennan—will debate forever whether the Constitution's meaning changes over time and how much judges should defer to popular will. Some of Boot's complaints are worthy of sober discussion. But that is precisely what he does not deliver. Instead, *Out of Order* reads more like an overstuffed tabloid. Boot is no Bork.

Boot is at his best as a raconteur of wacky judicial antics, but don't expect rigorous analysis. Take, for example, his pronouncement that "soft-on-crime judges" are "responsible for making crime pay," by which he means that judges' lenient sentences encourage criminal behavior because criminals know they are unlikely to go to the slammer. A few pages earlier, though, Boot provides a flurry of statistics that disprove him: Because of the low rate of arrest (7 percent of all burglaries, for example), the number of arrests that don't get prosecuted, and the prosecutions that end in acquittal, only 5 percent of crimes even get before a sentencing judge. Crime may pay, but judicial leniency is not the main reason. When it comes to prescriptions, again, Boot disappoints, largely sorting through tired proposals long ago offered by others.

The only new idea Boot presents is that Congress should pass a law prohibiting the Supreme Court from striking a state law except by a two-thirds majority—a vote of 6 to 3. The merit of this proposal, he claims, is that Congress could "arguably" accomplish it without a constitutional amendment. Well, maybe, but only in the same sense that Congress could "arguably" abolish the judiciary outright.

Boot's favorite solution by far, though, is to expose the malfeasors. Just "shame judges into doing their duty" by publicizing their failures. There is, of course, nothing wrong with exposing judges' decisions to public scrutiny. But in his tirade, Boot unwittingly furnishes Exhibit A of the case for insulating judges from public pressure.

E. JOSHUA ROSENKRANZ, *executive director of the Brennan Center for Justice at NYU School of Law, is author of* Buckley Stops Here: Loosening the Judicial Stranglehold on Campaign Finance Reform.

Secrets and Lies

by John J. Fialka

U.S. INTELLIGENCE OPERATIVES first became aware of an American with "possible communist tendencies" in the fall of 1951. At the time the suspect was working in a low-level civilian position at a U.S. Air Force base in England. He was once observed to be reading the *Daily Worker*. He was known to frequent London's Unity theater, run by communists. It specialized in vaudeville skits of a pinkish cast. A report was quietly tucked into the suspect's FBI file: "Moinyhan was either a communist or a communist sympathizer."

Now the suspect has filed a report on U.S. intelligence services. He is giving them failing grades for matters that go well beyond the misspelling of his name. For the suspect was Sen. Daniel Patrick Moynihan, scholar, writer, politician, and, as long-term member of the Senate Intelligence Committee, a man with a ringside seat on the slow unveiling of the troubling performance record of the $28-billion-a-year U.S. intelligence establishment during the Cold War.

In his book, Sen. Moynihan asks you to consider this: In 1950 nearly every thinking American was caught up in a dispute over whether Alger Hiss, a State Department official, was a Communist spy. The politics of the Hiss case paralyzed the Democrats and reinvigorated the Republicans, who found a young congressman, Richard M. Nixon, eager to probe the case.

Was Hiss guilty? It would have been a godsend for President Harry S. Truman if he had had an agency that

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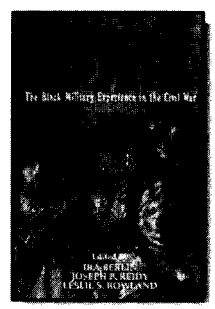

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could give him a definitive answer. As a matter of fact, he had one. The Army's Signals Intelligence Service had quietly broken a Soviet diplomatic code and found messages implicating Hiss. But Gen. Omar Bradley, then chairman of the Joint Chiefs of Staff, had determined that the matter was too secret to give to his commander-in-chief.

Presumably intelligence officials convinced Bradley that providing the information to the White House might, somehow, reveal the breaking of the code. But they needn't have worried. The code-breaking project, called Venona, had been tipped to the Kremlin four years earlier by a Soviet spy who had infiltrated it. The upshot: While the Kremlin knew about Venona, the president and the American people were kept in the dark until 1995 when the National Security Agency released the files.

SECRECY:
The American Experience
by Sen. Daniel Patrick Moynihan
Yale University Press, $22.50

Moynihan argues that the case shows the "essence" of the misfit existence of the intelligence establishment in Washington, how it had its analytical capability numbed and dumbed by politically correct "group think," and how its nuggets of knowledge were debased by a bureaucracy that sometimes determined that its needs were more important than the president's.

Knowledge is power, and Moynihan shows how the CIA and other intelligence agencies generated it and used it during the Cold War to present annual, hair-curling revelations to Congress about how the Soviet economy was growing so rapidly that it would overtake the United States by the late 1990s. This finding, according to Moynihan, was the result of an amazing amount of analytical work. The secret analysis of the Soviet economy by the U.S. government and its contractors "may be the largest single project in the social science research ever undertaken."

And its conclusion was dead wrong. Part of the problem, according to Moynihan, was that too many pieces of the puzzle were kept from analysts by higher levels of secrecy. Another part of the problem was that, right or wrong, the answer projecting the Soviet economic colossus as a growing beast was right for the agencies' budgets.

Moynihan's book is a refreshing antidote to the academic mush and axe-grinding left-wing criticism that make up much of what is a thin literature on the effectiveness of U.S. intelligence agencies. He uses the new evidence to suggest that there is much fertile ground for research. Among the Cold War documents beginning to pour out, he suggests, there may be more support for what amounts to Moynihan's Law: As U.S. intelligence budgets went up, "the overall quality of American intelligence may well have declined over time."

His is a book that gives rise to interesting questions. As the nation stumbles into a multipolar world and tests its policies in regions that went almost totally unanalyzed during the Cold War, does the existence of huge agencies and their huge stockpiles of secrets help or hurt? Might cuts in the $28-billion-a-year overall budget actually improve U.S. intelligence? If so, what should be cut?

To be sure, the book illustrates that intelligence and counterintelligence are not empty crafts. The Venona tapes show that Soviet spying was extensive and effective, hardly the plot trumped up by conservative forces in the U.S. government that many suspected at the time. Even during times of high alert, it is not easy to protect against the theft of secrets that can prove damaging to the U.S. We are by far the most open, inviting target for spies on the planet, and Moynihan provides a laundry list of what has been lost: the Norden bomb site, designs of the first nuclear weapons, the cracking of Soviet codes, and the lives of key U.S. agents in the Soviet Union who were fingered by Aldrich Ames.

One weakness, he suggests, is that the shroud of secrecy is way too big, covering matters far beyond these crown jewels. U.S. pilots found they were unable to see weather reports during the Gulf War because they lacked the necessary security clearances. In 1996, Moynihan notes, the number of officials with power to create secrets declined, but the total number of actions declaring information to be classified rose by 62 percent.

It seems time to prune some branches from the huge intelligence tree. But can the government do that? This is one of the troubling questions left bobbing in the wake of a powerful and timely book.

JOHN J. FIALKA *is a reporter for* The Wall Street Journal *and the author of* War By Other Means: Economic Espionage in America.

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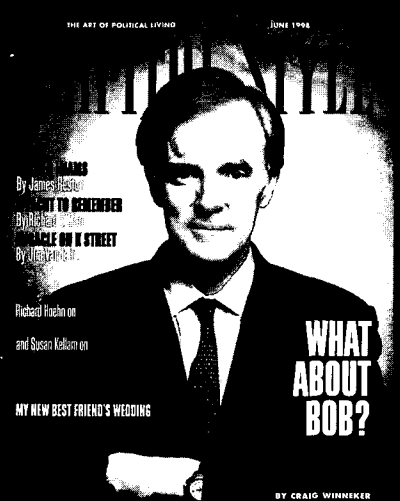

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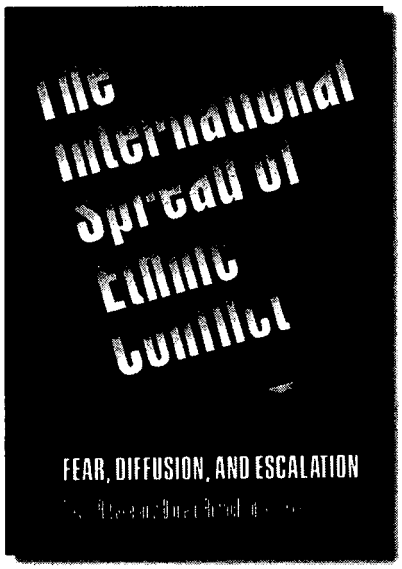

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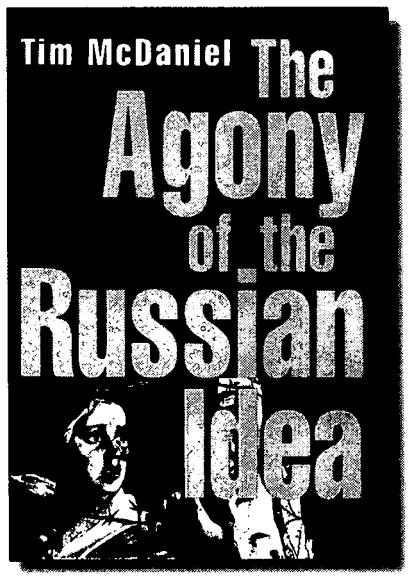

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